

CITY COUNCIL
Regular Meeting – November 25, 2019 6:00 p.m.
Council Chambers

1368 Research Park Dr
Beavercreek, Ohio

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND PRAYER/MOMENT OF SILENCE – Council Member Litteral
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
 - A. October 28, 2019 Regular Meeting
 - B. November 11, 2019 Regular Meeting
 - C. November 18, 2019 Budget Work Session
 - D. November 20, 2019 Budget Work Session
 - E. November 20, 2019 Special Meeting
- VI. PRESCHEDULED PRESENTER
 - A. Candy Prystaloski, Past Mayor, City of Beavercreek
- VII. ORDINANCES, RESOLUTIONS AND PUDS
 - A. Ordinance 19-22 PUD 17-4 AMEND 9/19 Rock Drive MOB (Third Reading)
 - B. Ordinance 19-23 Beavercreek Development Corporation (BDC) Articles of Incorporation (Third)
 - C. Ordinance 19-24 Beavercreek Development Corporation (BDC) Code of Regulations (Third Reading)
 - D. Ordinance 19-28 Additional Appropriations (Single Reading)
 - E. Resolution 19-69 Necessity and Intent to Appropriate Property (Primary Properties, Ltd) for the Dayton-Xenia Road Project
 - F. Ordinance 19-29 Appropriate the Right-of-Way (Primary Properties, Ltd.) for the Dayton-Xenia Road Widening Project (Emergency)
- VIII. LIQUOR PERMITS
 - A. Mam & Eve LLC DBA House of Thai (Transfer)
- IX. DECISION ITEMS
 - A. Greater Dayton Transit Authority Stop Proposal
- X. COUNCIL TIME
- XI. MAYOR'S REPORT
- XII. CITY MANAGER'S REPORT
- XIII. CITIZEN COMMENTS
- XIV. EXECUTIVE SESSION
- XV. ADJOURNMENT

BEAVERCREEK CITY COUNCIL
REGULAR MEETING October 28, 2019 6:00 p.m.

INTRODUCTIONS

◆ New Officer – David Ashworth

CALL TO ORDER

Mayor Stone called the meeting to order followed by roll call

PRESENT: Council Member Curran, Council Member Litteral, Council Member Rushing, Council Member Upton, Council Member Vann, Vice Mayor Garcia, Mayor Stone

ABSENT: None

ALSO IN ATTENDANCE: Randy Burkett, City Planner, Dennis Evers, Chief of Police; Kim Farrell, Recreation Superintendent; Bill Kucera, Financial Administrative Services Director; Pete Landrum, City Manager; Jeff McGrath, Planning & Development Director; Dianne Miscisin, Clerk of Council; Steve McHugh, Legal Counsel; Jeff Moorman, City Engineer; Mike Thonnerieux, Public Administrative Services Director

PLEDGE

Council Member Vann led the pledge and a moment of silence.

APPROVAL OF AGENDA

Council Member Litteral MOVED to approve the agenda, seconded by Vice Mayor Garcia. Motion PASSED by majority voice vote.

APPROVAL OF MINUTES

Council Member Curran MOVED to approve the October 14, 2019 Regular Meeting Minutes, seconded by Vice Mayor Garcia. Motion PASSED by majority voice vote. Abstain – Council Member Litteral

Council Member Litteral MOVED to approve the October 21, 2019 Work Session, seconded by Council Member Rushing. Motion PASSED by majority voice vote.

Because both public hearings were regarding the same property, the presentations were presented together by the applicant and staff.

PUBLIC HEARING – PUD 17-4 AMEND 9/19 Rock Drive MOB

Clerk Miscisin read an application filed by Yolo Development, 3500 Pentagon Blvd., Ste. 500, Beavercreek, OH 45431. The application requests approval of an amendment to add an additional 2.9354 acres of land to PUD 17-4. The properties are located on Rock Drive west of North Fairfield Road further described as Book

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5, Page 5, Parcels 136, 140, 141 and 142 on the Greene County Property Tax Atlas.

Applicant Presentation

Jared Barnett, 3500 Pentagon Blvd., Ste. 500, Beavercreek, OH 45431

Mr. Barnett explained this was approximately a 35,000 square foot, single story medical office building which they were working with Dayton Children's and two other pediatric and primary care practices that would occupy 100 percent of the facility. He said there has been a lot of work put into this project including designing Lantz Road to eventually connect to Dayton-Xenia Road and coordinating a traffic light with St. Luke's Church. This initial phase would be only outpatient services.

Staff Presentation

Mr. Burkett summarized the staff reports dated October 24, 2019 stating the applicant was requesting approval of a specific site plan and an amendment to the existing PUD. He explained the amendment was a request to add approximately three acres to the existing 6.5 acre PUD to allow for the 35,000 square foot medical office building. He reviewed the location of the property, the surrounding zoning, Land Use Plan, the proposed site plan, access points, parking, and vacant land for future expansion. He reviewed the future traffic signal location which was not contingent for the development but the relocation of the entrance to St. Luke's would be required. He also reviewed the sidewalks, elevations, landscaping, lighting and signage.

Public Input (PUD 17-4 Amendment 9/19)

Bruce Guindon, 1440 North Fairfield, (St. Luke's Parish)

Mr. Guindon said they had been working very closely with the developer with the joint concern of enhancing the flow of traffic with the use of a traffic light while preserving the number of parking spaces they currently have at St. Lukes.

The public input was closed for PUD 117-4 Amendment 9/19.

Council Input

There was no input from Council.

Ordinance 19-22

Council Member Upton MOVED Ordinance 19-22 to the second and third readings, seconded by Vice Mayor Garcia. Motion PASSED by majority voice vote.

PUBLIC HEARING PUD 17-4 SSP #1 Rock Drive MOB

Clerk Miscisin read an application filed by Yolo Development, 3500 Pentagon Blvd., Ste. 500, Beavercreek, OH 45431. The application requests approval of a

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specific site plan to allow for the development of a medical office buildings on 9.3 acres. The properties are located on Rock Drive west of North Fairfield Road further described as Book 5, Page 5 Parcels 125, 129, 130, 131, 132, 133, 134, 135, 136, 139, 140, 141 and 142 on the Greene County Property Tax Atlas.

Public Input (PUD 17-4 SSP #1)

There being no input, the public input was closed.

Council Input

Council Member Vann asked to show what it would look like with the traffic light. Mr. Burkett said the applicant and St. Luke's were working together for the final details and design.

Council Member Vann asked if this connected to where the funeral home was. Mr. Burkett said the long term plan was for that to happen.

Council Member Upton expressed concerned with traffic backing up traffic on north bound North Fairfield. Mr. Burkett explained ultimately Lantz Road would be used as a by-pass for the Dayton-Xenia/North Fairfield intersection. Council Member Upton asked if there had been a traffic study. Mr. Moorman said they did a study and said it would have very little impact of delaying vehicles moving up and down North Fairfield Road.

Motion

Council Member Vann moved for the purpose of taking administrative action, approval of a Specific Site Plan for the Rock Drive MOB, on the basis that City Council finds the facts submitted with the application and accompanying materials, and modifications, amendments and supplementary conditions satisfy the standards and criteria for a Specific Site Plan as per §158.066 of the Zoning Code. Supplementary conditions required of this approval shall be as follows. Council Member Vann further moved that this motion with all conditions be fully recorded in the minutes of this Council meeting.

1. The approved plans for this development shall be the plans stamped "Received September 25, 2019", except as modified herein.
2. The approved building elevations shall be those plans stamped "Received September 25, 2019" except where modified herein.
3. A PUD Agreement must be signed by the owner and a bond or letter of credit must be submitted prior to issuance of a zoning permit for any portion of the project for the purpose, but not for the sole purpose, of insuring the

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installation of landscaping. Said bond or letter of credit must meet the requirements of the Planning and Zoning Department.

4. Perpetual maintenance of landscaping shall be provided and any dead or diseased materials shall be removed and replaced with similar types, species and sizes as originally planted, within three months, weather permitting.
5. Prior to the release of the zoning permit, final cut sheet details and photometric plans for lighting of the site shall be reviewed and approved by the Planning and Development Department. No pole shall be located in the paved area of the parking field, and the maximum height of any fixture shall be 20 feet from adjacent grade, including the concrete base. All light fixtures and related illumination of the site must meet the conditions outlined in the Zoning Code. Lights in the parking lot shall be reduced to no greater than 25 percent illumination level within one hour of closing.
6. A Final Subdivision shall be approved by the Planning Commission and all necessary bonds and fees shall be paid prior to the release of a zoning permit for the any building with the PUD.
7. Debris and trash shall be routinely collected by the owner from the parking lot and grounds of all areas of the project including storm drainage facilities. The City reserves the right to require more frequent collection as deemed necessary.
8. The building exterior shall not be painted or altered in any way that varies from the approved elevations unless otherwise approved by the Planning Department or, if required, by the City Council and/or Planning Commission.
9. The Final color of all man, service, loading dock, overhead doors and garage doors shall be approved by the Planning Department prior to the release of a zoning permit.
10. All trash collection containers shall be enclosed within a building or screened from view through the use of a permanent dumpster enclosure designed to match the building by using the same materials as those found in the building. The final design shall be reviewed and approved by the Planning Department prior to the issuance of a zoning permit.
11. All ground mounted mechanical equipment shall be screened from view per the review and approval of the Planning Department

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12. All concerns of the City Engineer, Fire Department, Sanitary Engineer, Planning Department and the Beavercreek Police Department shall be addressed prior to the issuance of a permit for any building in this project.
13. All stormwater calculations and detention/retention plans shall be approved by the Engineering Department prior to the release of a zoning permit.
14. Aeration and water circulation devices and/or fountains are required for the retention pond(s), and shall be maintained by the owner in perpetuity.
15. Downspouts shall be internally mounted and shall not be visible on the exterior of the structure or on any structure within this development except as specifically approved by the Planning commission and/or Planning Department.
16. Material and color samples shall be submitted to the Planning Department for review and approved prior to the issuance of a zoning permit.
17. The approved ground sign and wall signs shall be limited to the sizes as shown on the approved plans. The ground sign shall be constructed on a brick base, utilizing architecturally comparable materials as the primary building.
18. The construction of a traffic signal at the intersection of Rock Drive and North Fairfield Road shall be contingent on the relocation of the entrance to St. Luke's Church. The final location and design of both the traffic signal and the relocated entrance to St. Luke's shall be reviewed and approved by the city Engineer prior to their construction. The said relocation shall occur before or at the same time as the construction of the traffic signal, unless otherwise permitted by the City Engineer.
19. This approval is contingent on the approval of C_PUD 17-4 Amend 9-19, and shall not become effective until the aforementioned PUD Amendment case becomes officially effective. Should C_PUD 17-4 Amend 9-19 be disapproved, this site plan shall be null and void.
20. All abandoned drive aprons on North Fairfield Road shall be removed and replaced with sidewalks and landscaping matching the adjacent right of way.

Seconded by Vice Mayor Garcia. Motion PASSED by majority voice vote.

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ORDINANCES, RESOLUTIONS AND PUDS

Ordinance 19-20 Repealing and Adopting New Chapter 137 (Third Reading)
Clerk Miscisin read an Ordinance repealing Chapter 137 "Weapons Control" of the City of Beavercreek Code of Ordinances and adopting new Chapter 137 "Weapons Control" of the City of Beavercreek Code of Ordinances.

Council Member Litteral MOVED to approve Ordinance 19-20, seconded by Council Member Curran. Motion PASSED by majority voice vote.

Ordinance 19-23 Beavercreek Development Corporation (BDC) Articles of Incorporation (First Reading)

Clerk Miscisin read an Ordinance authorizing the filing of the Articles of Incorporation of the Beavercreek Development Corporation, adopting the Articles of Incorporation of the Beavercreek Development Corporation and approving the designation of the Beavercreek Development Corporation as the designated development agency for the City of Beavercreek.

Mr. McGrath explained this had been presented a couple of times over the last 18 months stating they were looking to create a Beavercreek Development Corporation that would serve as a private 501(c)3 arm of the economic development of the city. The primary purpose of the creation of this board is for the facilitation of the return of vacant, abandoned and tax foreclosed properties to productive, tax paying, economic uses which would benefit the public. He said it would be focused on the acquisition of property. The Beavercreek Development Corporation could facilitate the use of the foreclosed property more creatively than the city could. None of this could be done without the agreement between the corporation and the city.

Mr. McHugh explained there were two Ordinances. The first was the articles of incorporation which sets the name and the powers of the corporation which was straight out of the Ohio Revised Code, Section 17.2410. He said under the ORC, a city can designate a development corporation as its economic development arm. He stated the statute requires 40% or two of the five members has to be elected officials of the city. He said the version presented would be 60% so nothing realistically would happen with respect to this development corporation without the knowledge of council. He said as an economic development arm this would give flexibility as a city to get involved in development situations that would otherwise be more difficult as a city.

Council Member Upton said they have had conversations during work sessions regarding this for a long time. He said this is another tool for the City of

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Beavercreek to put in the toolbox. It has been one thing that has been missing over the years. It will give the City an opportunity to not only grow but also protect what we already have.

Vice Mayor Garcia questioned the one year term and asked if it would be more beneficial to have two year terms. Mr. McHugh said it was uncommon to have change out.

Council Member Curran MOVED Ordinance 19-23 to the second and third readings, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

Ordinance 19-24 Beavercreek Development Corporation (BDC) Code of Regulations (First Reading)

Clerk Miscisin read an Ordinance approving and adopting the Code of Regulations of the Beavercreek Development Corporation and approving the designation of the Beavercreek Development Corporation as the designated development agency for the City of Beavercreek.

Mr. McHugh said based on the comments at the last work session, he revised section two of article three to provide for the mayor to be a member or a member of council appointed by council.

Council Member Litteral MOVED Ordinance 19-24 to the second and third readings, seconded by Vice Mayor Garcia. Motion PASSED by a majority voice vote.

Resolution 19-63 Authorize Priority Development and Advocacy Committee (PDAC) Grant Application

Clerk Miscisin read a Resolution to authorize the submittal of the Grange Hall Road at I-675 Interchange Project and Miami Valley Research Park Infrastructure Improvements for the prioritization through the Dayton Regional Priority Development and Advocacy Committee (PDAC).

Mr. Moorman said PDAC applications were currently being accepted for new projects. He said they were recommending two projects for submittal. Those projects include the Grange Hall Road at I-675 Interchange Project and the Miami Valley Research Park Infrastructure Improvements Project.

Council Member Litteral thanked staff for the continued grant work.

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Council Member Litteral MOVED to approve Resolution 19-64, seconded by Council Member Curran. Motion PASSED by a majority voice vote.

Resolution 19-64 Authorize Park District Agreement

Clerk Miscisin read a Resolution authorizing the City Manager to enter into a Park Maintenance Agreement with the Beaver Creek Township Park District.

Ms. Farrell said for the past two years the city had been operating and maintaining two of the Park District Parks, Victory Park and Angels Pass Park. She said this agreement would continue the maintenance and operation. She said the only change was changing the agreement from one year to two years.

Council Member Vann MOVED to approve Resolution 19-64, seconded by Vice Mayor Garcia. Motion PASSED by a majority voice vote.

Resolution 19-50 Rotary Park Lease Agreement with Greene County

Clerk Miscisin read a Resolution authorizing the City Manager to enter into a lease agreement with the Greene County Board of Commissioners regarding the use and operation of Rotary Park.

Ms. Farrell explained this was for the back half of Rotary Park. She said earlier in the year, legislation was passed for the city to take on and own the front of Rotary Park which had been own by Beaver Creek Township. She said once you cross the bridge is becomes Greene County property. She said this agreement would allow the City of Beaver Creek to operate and maintain the back half of the park. She said there were no changes to the agreement.

Council Member Vann said the roads are in need of repair and asked if Greene County would partner to surface it. Ms. Farrell said she could ask if that was something they were interested in. She said Greene County has always owned that part of the park. Council Member Vann asked to urge them to take hold of their responsibilities. Council Member Vann said the County may want to think about the flooding on the road too.

Council Member Litteral said it's very confusing with the parks. It would be nice to work together and merge them together. It would be a win win.

Council Member Curran MOVED to approve Resolution 19-50, seconded by Council Member Litteral. Motion PASSED by a majority voice vote.

LIQUOR PERMITS

WTPADS LLC DBA CBCB Bar & Grill (Transfer)

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Chief Evers said they received police notification from the Ohio Division of Liquor Control of a request to transfer a D5 and D6 liquor permit from DBDB Beaver creek LLC, DBA DBDB Bar & Grill, 2495 Commons Blvd, and Patio, Suite A, Beaver creek, Ohio 45431 to WTPADS LLC, DBA DBDB Bar & Grill, 2495 Commons Blvd., & Patio, Suite A, Beaver creek, Ohio 45431. The background checks required by the Department of Commerce – Division of Liquor Control were conducted on the business officer(s)/shareholder(s) for this application request. Staff is recommending this application request move forward without comment

Council Member Litteral MOVED to accept without comment, seconded by Vice Mayor Garcia. Motion PASSED by a majority voice vote.

DECISION ITEMS

Acceptance of City Logo

Mr. Landrum reviewed the project of the re-branding which began in January 2018. He said there have been several presentations before Council at work sessions and many committee meetings regarding the project. He thanked all those involved. Mr. Landrum introduced Dan Schlegel of Schlegel Creative Resources (SCR) to present the logo design and guidelines.

Mr. Schlegel said they had worked on this project for some time. He expressed the importance of consistency. He reviewed the logo design and guidelines.

Council Member Curran asked if there was a flag. Beaver creek does not have flag.

Council Member Litteral asked if the public had seen this. Mr. Landrum said no.

Council Member Vann said she was okay with the logo but not the tag line.

Council Member Upton appreciated everyone's work put into this project.

Vice Mayor Garcia said they had a good time on the committee and was happy with the outcome

Vice Mayor Garcia MOVED to accept the city logo redesign as presented, seconded by Council Member Litteral. Motion PASSED by a majority voice vote.

COUNCIL TIME

Council Member Curran enjoyed the retirement party for Lee Duteil from the Senior Center and congratulated him on his retirement.

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Council Member Upton reminded everyone that one week from tomorrow was Election Day. He would appreciate everyone going out to the poles and vote.

Council Member Vann said she wanted to bring up the tornado navigator position. She said in September they had six Council Members ask for the City Manager to come up with some options. She said one of the options could be do nothing but she said they asked for options. She said this had nothing to do with the election because five of the council members had the potential of not being there in January. She said those five would be voting for the budget that would be in place for 2020. She said if they don't put money in the budget to help our neighborhoods recover from the tornado in 2020 then nothing would be done until 2021. The budget would be defined in November and approved by City Council in December. She said it was critical that they have this conversation. She said there was a lot of different things in the potential job description that they could have discussed at a work session. She said they weren't able to because they didn't have the City Manager there. She said they need to move forward on helping the neighborhood. She said one of the things that was really important, for example, was the streets that were damaged by the trucks that moved in and out and took all those limbs and trees away. Some of the streets have swales with the street in the middle, the edges have been broken and there are cracks because of the heavy trucks. She said public works could work on the streets and this Council could say to the City Manager and public works to make a priority to look at those streets and be moved to the top of the list for street improvements for 2020. She thought that would be a good thing in the budget to do that. She said another thing that was important is when Miami Valley Regional Planning Commission has road improvement money. We already have a staff person assigned who has all that data and preliminary project ideas in his file. He could bring those things forward saying here are some things we need to do in that neighborhood. She said they would need census data and we have never have had block data in Beavercreek because this level of a project has never been done before in Beavercreek. Because the 2010 census data is old and the 2020 census date wouldn't be able for two years, she said they need somebody who could go out door to door to figure out what we need in that neighborhood and know who the people in that neighborhood. She said they would have to know income, inventory and survey of the people who still live there so the city could capture those funds. If they don't have that data, they would not be able to capture the funds. The way we can get funds now, is because we have the data. She talked to the building code people about what they were seeing as they were doing inspections and said the Greene County Building Code Department should be a partner with our residents and value having those inspections. Those inspectors are trying to save them from having bad things happen to them. She said she asked the inspectors if there was anything the City should or could be doing. The building department suggested that maybe the City

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should be registering contractors but this would be a policy decision. She said it was great that Mayor Stone had a post on Facebook last week she said "Leadership is not being in charge, it's about taking care of the people in your charge." She said here we are, the City Council, wanting to take care of our citizens. We care about our citizens. She said they need to be ready so they can take care of them. She said she wanted to further discuss the position and go forward. She said there were people in the audience that could talk about how the tornado hit their neighborhood and what they might need done. She said Council could listen to them now or wait until Citizen Comments at the end. Mayor Stone said they would follow the agenda. Council Member Vann said she would like to see some options. That was the bottom line.

Council Member Rushing thanked the Greene County Auditor, David Graham, who hosted a presentation on how property taxes work. He said Mr. Graham and State Representative Perales was currently working on a bill that would allow county auditors the ability to adjust the values of damaged homes.

Council Member Litteral asked people to be careful during Halloween. The time change is coming up this weekend.

Vice Mayor Garcia congratulated Creek Cheer Varsity Squad and Game Day Squads who were heading to nationals in February. She congratulated the boys and girls cross country teams who qualified for state. She thanked the Beavercreek Police Department and the COPPs for all the work they did regarding the accident that occurred on Grange Hall Road.

MAYOR'S REPORT

Mayor Stone said Grace Hope Church had a fundraiser at Shaw Elementary for the tornado victims. He said they raise \$1,200. The Tru by Hilton had their grand opening. The International Officers were hosted by the City last week. Pizza Dive and the businesses along Dayton-Xenia Road had a kick-off for Halloween. They served 3,000 slices of pizza. Those children in costumes were served pizza for free. He acknowledged Council Member Vann's comments and said they were certainly valid. He said we had a disaster and have to deal with it the best we can. He believed, although there was always new ways to look at things, they were doing everything they could. He said there were staff members attending numerous different meetings to try to figure out ways to help. He understood there were people attending the meeting who were going to speak to Council which was what gets Council's attention. He said it didn't matter if it was tornado relief or a stop sign. The people need to come and let us know what they need.

CITY MANAGERS REPORT

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Mr. Landrum said Trick or Treat will be Thursday, October 31st from 6-8 p.m. The 2019 curb and resurfacing program was completed October 21st. He reviewed the current road projects. The Veterans Day Ceremony will be Monday, November 11th at 2:00 p.m. at the Veterans Memorial Park.

CITIZEN COMMENTS

Christine Pulliam, 2310 Clubside Drive, Beavercreek, Ohio

Ms. Pulliam said her daughter and grand-daughter were Creek strong survivors. She said she had \$50,000 damage to the outside of her house and they need help out there. She is an intensive care ICU registered nurse and was very familiar with triaging. She was a mother of seven children; born and raised in central Illinois and lived in the middle of Nebraska for 12 years. She was familiar with tornadoes and didn't expect for it to find her in Ohio. She dodged tornadoes with her children for decades. She said it was joke in her house that if there was vanilla wafers and milk in her house it must be tornado season because she had to take seven little children down and hide under the stairwell. She doesn't buy vanilla wafers anymore because her children are all grown up and moved away. She said the day of the tornado somebody else in her house bought vanilla wafers so she should have seen this coming. She said that night they laid on the laundry room floor in the basement. She said they were fine but the house was severely damaged on the outside... She said everything had been started and finished incorrectly. Her contractor voided all of her warranties including her roof and siding. She's had to fire him, hire an attorney and was \$10,000 out of pocket already because they didn't have to bring her roof up to code. She said she had six fractures in her roof that they just covered over with new shingles. She had a broken truss in her attic that nobody bothered to go up and inspect because he came in his good shirt that day. He didn't want to get his shirt dirty in her attic. She said she has contractor problems and problems with inadequate work being done. She said her son worked for an international restoration company in Michigan. He had referred her to his company. She called them, they came from their Fairfield office and brought in a contractor from Kentucky to do the work. She said he was rude, insolent to her and called her a pain in the blank because she didn't like what he was doing with the holes in her roof. She ended up firing them after the siding was done. She understood trauma and physiological and psychological shock but nothing prepares you for surviving a tornado. She said it was like being inside a blender when you're trying to make crushed ice out of cubes. That's what it sounds like and things are hitting you from every direction. You have a loss of sensation. She was well educated in what to do the case of a tornado. She said they keep bicycle helmets in the basement. She said most of the deaths in tornadoes are head injuries. Do you people know that? She said they wore them while lying on the floor in her basement. Her grand-daughter was terrified. She and her daughter were trying to protect her and there was nothing they could do except lay there

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was pray. She said things were hitting from every direction and you completely lose your orientation. It's a horrifying experience. She said she has the ability to go through that and come out without PTSD. She said her ten year old grand-daughter does not; she is terrified. She said there were a lot of services who are offering mental health and they have sought some of those for her. Shaw Elementary has a special space, called their sensory room, where kids can go during storm time at school. The grand-daughter had been to the sensory room twice this fall. She said the community has things they are going to be facing. This is the storm that never quits giving.

Reed Lloyd, 3112 Stolle Ct., Beavercreek, Ohio gave his three minutes to Ms. Pulliam.

Ms. Pulliam said all of a sudden she had an oil leak in her car. She said when the storm hit a giant birch tree fell on top of her car with some of it shoved underneath her car and broke the oil filter. She said this went unnoticed. She said there are things people need after the storm. She said the rescue people came in, they were awesome but this thing keeps on giving. She said they have yards that will never be bare foot grass again because the debris, including glass, shingles, wood, steel, aluminum and nails were driven in one inch pieces into the ground. She said the dogs can't walk in the grass and the children can't ever play in a sprinkler again. She said they need a crew to come out in the spring to help find the debris. She had eleven trees before the storm and has one left. She appreciated the debris cleanup and benefited greatly. She said she had to pay \$3,000 last week to get more of it removed. She said they need help. There was emotional trauma that hasn't ended and other stuff that needs to be done. She said we can't walk in their yards and look for every piece of glass. She said they need a crew to come out and help them.

Citizen Comments was closed.

ADJOURNMENT

Council Member Curran MOVED to adjourn the meeting at 7:30 p.m., seconded by Vice Mayor Garcia. Motion PASSED by majority voice vote.

Bob Stone, Mayor

BEAVERCREEK CITY COUNCIL

REGULAR

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ATTEST:

Dianne Miscisin
Clerk of Council
Cmin102819

BEAVERCREEK CITY COUNCIL
REGULAR MEETING November 11, 2019 6:00 p.m.

PRESENTATIONS

- ◆ The Electric Wolves, First Lego League Team

CALL TO ORDER

Mayor Stone called the meeting to order followed by roll call

PRESENT: Council Member Curran, Council Member Litteral, Council Member Rushing, Council Member Upton, Council Member Vann, Vice Mayor Garcia, Mayor Stone

ABSENT: None

ALSO IN ATTENDANCE: Randy Burkett, City Planner; Dennis Evers, Chief of Police; Bill Kucera, Financial Administrative Services Director; Pete Landrum, City Manager; Dianne Miscisin, Clerk of Council; Steve McHugh, Legal Counsel; Jeff Moorman, City Engineer;

PLEDGE

Vice Mayor Garcia led the pledge and a prayer.

APPROVAL OF AGENDA

Council Member Curran MOVED to approve the agenda, seconded by Council Member Litteral. Motion PASSED by majority voice vote.

ORDINANCES, RESOLUTIONS AND PUDS

Ordinance 19-22 PUD 17-4 AMEND 9/19 Rock Drive MOB (Second Reading)
Clerk Miscisin read an Ordinance amending Ordinance #17-30 (PUD 17-4) Rock Drive Development) to add 2.94 acres to the existing 6.4 acres PUD.

There being no public input, the public hearing was closed.

This Ordinance will move automatically to the Third Reading

Ordinance 19-23 Beaver Creek Development Corporation (BDC) Articles of Incorporation (Second Reading)

Clerk Miscisin read an Ordinance authorizing the filing of the Articles of Incorporation of the Beaver Creek Development Corporation, adopting the Articles of Incorporation of the Beaver Creek Development Corporation and approving the designation of the Beaver Creek Development Corporation as the designated development agency for the City of Beaver Creek.

Public Input

Cheryl Keggan, 2086 Red Rock Dr., Beaver Creek, Ohio

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Ms. Keggan said she has read the information regarding this but was confused as to why this was needed when there was already a Planning and Zoning Commission. She asked if they needed this and why did it need to be funded.

Mayor Stone explained that the Beavercreek Development Corporation was a tool the state allows cities to have. He explained when there are aging areas in the community it was felt wise to have all the tools possible in the toolbox so if there was ever a need to do something they would be able to. He said these things take a while to be approved by the state so they were trying to be proactive. He said they may never use it but they will at least have it available.

Ms. Keggan confirmed this would generally enable the City to apply for grants by using this.

Mayor Stone said it would allow grant funding to come into the corporation that could be used for infrastructure improvements. He said it would allow for more options.

Ms. Keggan asked if this required funding from the City and if the board members paid or unpaid. Mayor Stone said there was no pay for the board members. He said the only funding from the city would be for a needed a project and it was best to run it through the corporation or if they received grant funding specifically for a project.

The public hearing was closed.

This Ordinance will move automatically to the Third Reading

Ordinance 19-24 Beavercreek Development Corporation (BDC) Code of Regulations (Second Reading)

Clerk Miscisin read an Ordinance approving and adopting the Code of Regulations of the Beavercreek Development Corporation and approving the designation of the Beavercreek Development Corporation as the designated development agency for the City of Beavercreek.

There being no public input, the public hearing was closed.

This Ordinance will move automatically to the Third Reading

Resolution 19-66 Necessity and Intent to Appropriate Property (Charles Beaver) for the Dayton-Xenia Road Widening Project

November 11, 2019

Clerk Miscisin read a Resolution to declare the necessity and intent to acquire certain parcels or real estate and other property interests owned by Charles I. Beaver, with interest by others, for the Dayton-Xenia Road Widening Project, in the City of Beavercreek, Ohio

Mr. Moorman explained one of the major capital projects planned for next year was the Dayton-Xenia Road Widening Project between East Lynn and Beaverbrook. To build the project they need to acquire additional property rights from 33 individual property owners. He said they had come to agreements with 27 of the 33 property owners. He said there were three of the remaining six on the agenda to request they begin the appropriation process. He said this piece of land was owned by Charles Beaver, who passed away a number of years ago and no one has claimed the property since. He said they had made efforts to locate relatives who may have authority to convey the land but to date, had been unsuccessful. He said with this particular property there was no other choice than to use the appropriation process. He reviewed the location of the property. He said there was two pieces of legislation to begin the process, a Resolution and an Ordinance. He requested the Ordinance be passed as an emergency because of an ODOT deadline.

Council Member Litteral MOVED to approve Resolution 19-66, seconded by Council Member Curran. Motion PASSED by a majority voice vote.

Ordinance 19-25 Appropriate the Right-of-Way (Charles Beaver) for the Dayton-Xenia Road Widening Project (Emergency)

Clerk Miscisin read an Ordinance to appropriate certain real property interests owned by Charles I. Beaver, for the Dayton-Xenia Road Widening Project, in the City of Beavercreek, Ohio, and declaring an emergency.

Mr. Moorman said this was the companion legislation for the Resolution.

Council Member Litteral MOVED to approve Ordinance 19-25 as an emergency, seconded by Vice Mayor Garcia. Motion PASSED by a roll call vote of 7-0.

Resolution 19-67 Necessity and Intent to Appropriate Property (James Wicker and Phillip Wicker) for the Dayton-Xenia Road Widening Project

Clerk Miscisin read a Resolution to declare the necessity and intent to acquire certain parcels or real estate and other property interests owned by James Wicker, Jr., and Phillip Wicker with interest by others, for the Dayton-Xenia Road Widening Project, in the City of Beavercreek, Ohio.

November 11, 2019

Mr. Moorman said they had some good communication with this property owner however as things progressed the owner has not returned any phone calls or made any contact with the City. He said they had made 22 attempts to contact them with no success. He said they would continue to try to make contact to resolve the situation without going to court. This appropriation was for a permanent take of approximately 954 square feet and a temporary grading easement behind it. He said the appraised value was \$9,599.

Council Member Curran MOVED to approve Resolution 19-67, seconded by Council Member Litteral. Motion PASSED by a majority voice vote.

Ordinance 19-26 Appropriate the Right-of-Way (James Wicker and Phillip Wicker) for the Dayton-Xenia Road Widening Project (Emergency)

Clerk Miscisin read an Ordinance to appropriate certain real property interests owned by James Wicker, Jr. and Phillip Wicker for the Dayton-Xenia Road Widening Project, in the City of Beavercreek, Ohio, and declaring an emergency.

Council Member Vann confirmed they were using the UPSP to get ahold of them and also the telephone. Mr. Moorman replied yes and explained they had sent certified mailings to the owner along with calling them. Council Member Vann asked if the certified mailings had come back. Mr. Moorman said early on there had been some dialogue with the property owner to negotiate a price. He said they reached a point where the owner refused to speak with the City.

Council Member Litteral MOVED to approve Ordinance 19-26 as an emergency, seconded by Council Member Vann. Motion PASSED by a roll call vote of 7-0.

Resolution 19-68 Necessity and Intent to Appropriate Property (Balaji Investments) for the Dayton-Xenia Road Widening Project

Clerk Miscisin read a Resolution to declare the necessity and intent to acquire certain parcels or real estate and other property interests owned by Balaji Investments, LLC with interest by others, for the Dayton-Xenia Road Widening Project, in the City of Beavercreek, Ohio.

Mr. Moorman explained this was the Knollwood Tavern and shopping center property. He said there was an existing highway easement. He said they weren't changing the right-of-way but was purchasing the land that was encumbered by the existing highway easement. He said there was a piece of property on the corner they would be buying that was brand new. He said they had made multiple attempts to contact the property owner with no success of a response to date. He said they would make further attempts to contact them but it was unlikely they would be responding.

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Council Member Curran asked if they had an office in the United States. Mr. Moorman said their main office was in the city of Dayton.

Council Member Vann MOVED to approve Resolution 19-68, seconded by Council Member Litteral. Motion PASSED by a majority voice vote.

Ordinance 19-27 Appropriate the Right-of-Way (Balaji Investments, LLC) for the Dayton-Xenia Road Widening Project (Emergency)

Clerk Miscisin read an Ordinance to appropriate certain real property interests owned by James Wicker, Jr., for the Dayton-Xenia Road Widening Project, in the City of Beavercreek, Ohio, and declaring an emergency.

Council Member Curran MOVED to approve Ordinance 19-27 as an emergency, seconded by Council Member Litteral. Motion PASSED by a roll call vote of 7-0.

Resolution 19-65 Awarding of Debris Contract

Clerk Miscisin read a Resolution by Beavercreek City Council accepting the bid of Beeghly Tree, LLC, in response to RFP 07-2019 for debris removal services and authorizing the City Manager to enter into a contractual agreement with said contractor to perform the services specified in the "Debris Removal Services Contract," which contract is incorporated herein by reference and is available for public inspection at the city offices for an amount not to exceed the sum of six hundred thousand dollars.

Mr. Landrum said they had been working on the bid process for the two different locations of the clean-up. He said this was originally bid out for July 22nd but FEMA informed there were special things needing to be done for this bid process. He said the FEMA guidelines were very different from anything the City had ever done before. The City rebid the process ensuring to meet all the requirements of FEMA. The city, township and county had reviewed the bids and Beeghly Tree, LLC was the lowest and best bid submitted for the completion of the work.

Mayor Stone asked where the next bid was in comparison. Mr. Landrum said this bid was 44% lower than the original bid in July. He said the reasoning of this was because in July companies were concerned with hurricane season. He said with the current bids, this company was still significantly lower. He said staff member would be monitoring the grinding process at all times. The \$600,000 would be paid by all three entities. The debris piles had been separated by each entity.

Council Member Curran MOVED to approve Resolution 19-65, seconded by Council Member Litteral. Motion PASSED by a majority voice vote.

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DECISION ITEMS

Acceptance of Third Quarter Financial Summary

Mr. Kucera reviewed a few details regarding the Financial Summary. He said they have a standing meeting with FEMA every week and information had been submitted for FEMA to look at. He said the next phase would be to submit wage information for FEMA to review.

Council Member Upton questioned 92.3% use for overtime budgeted for the year and his concern for snow events before the end of the year. Mr. Kucera responded they were closely monitoring it as you can't predict the weather. He said they had one or two appropriation opportunities if they need to certify revenue to cover any

Council Member Vann said they may have a check before the end of the year.

Mr. Kucera said they submitted some of the damage to the signals and signs to the insurance company. He said they had already approved \$60,000 more than anticipated.

Council Member Curran asked what the percentage of overtime would be reimbursed. Mr. Kucera said they can apply for regular wages and overtime for public service. He said they could only apply for overtime costs for public safety. He said if approved, FEMA would reimburse 75% and the state would reimburse 12.5% of that. FEMA also said the donated efforts from the other cities that came in and provided equipment and time of their employees could be used towards the match which would increase the percentage.

Council Member Upton MOVED to accept the Third Quarter 2019 Financial Summary, seconded by Council Member Curran. Motion PASSED by majority voice vote.

COUNCIL TIME

Council Member Litteral thanked the veterans and active duty service members.

Council Member Rushing thanked the veterans and those still serving. He gave his thoughts and prayers with Detective DelRio, the entire Dayton Police Department and all those who serve and put their lives on the line every day. He congratulated Community Engagement Officer Mark Brown for another successful Citizen Police Academy who graduated this past week.

Council Member Vann said she was still extremely concerned that they asked for help for the people in the tornado area. She said they have gone through three or

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four meetings but they've done nothing since July. She gave the example of a serious storm water problem in a neighborhood with erosion, flooding and great impact to that region. A manager calls the project manager to ask for a couple solutions and discuss what they are going to do for this problem. The project manager goes to his laborers who says they haven't heard any complaints about this so we aren't going to do anything. She said this was the same thing that happened to them, as a City Council who are the policy makers, where they asked the City Manager in September, to pay attention to the needs of the people in the tornado area. She said they have done nothing since July. She said in September there was a six zero vote directing the City Manager to provide some options for how they could provide help for people in the tornado area. She said the City Manager wrote back a letter to them that said he had asked a couple people in the city offices if there had been any complaints and they said they hadn't had any complaints so he was not going to give council any reports. She said that was the end of it. She said it was supposed to be discussed at a work session in September and instead of rescheduling it to a time when he could be there, he left it scheduled at that time when he would be out of town so there was no discussion. She said she had provided a list of eight or ten things that probably the City should be doing. She said if you look at the chart, she pointed out things being done by MVPRC and capital improvements and then she pointed out the other things that needed to be addressed. She said they should be helping their citizens engage. She didn't think more than a handful of people had connected with a case manager process because they don't have somebody at city hall that could reinforce or just coach them a little bit saying we don't usually cross county lines but this was a good idea and give them a call. She said there was a lot of donated and grant and other things available if the City would just help their citizens figure out how to connect. She was very frustrated that the City Manager decided this was not going to be discussed and it was really important that this City Manager realizes when a City Council, who are his bosses vote six zero just to have a staff report with several options. She said we didn't say to hire somebody or say this was exactly what we wanted them to do. She said the Council said this was a serious problem, the citizens were in trouble and council wanted somebody a city hall who was paying attention and knows the needs of each lot so the City could advocate for what projects needed to be done in the community. She said the City Manager said they weren't going to do that and wasn't going to give a report.

Mayor Stone said they did get a report.

Council Member Vann said they didn't get a report. She said they got a report that said he asked a couple people in the office if they had gotten any complaints. She was hoping because this was important that something to the effect be included in the minutes and it's a reprimand for his personnel file. She said this was very

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serious when the City Manager doesn't listen to the elected officials who established the policy. She said all they asked him to do was to give them a report so they could discuss it. She said it was snowing, things were happening and there were a lot of problems out there. She said they still were not doing anything more than just having a few little meetings where 25 people show up and there were 500 people that need help or 200 families. There were people who need help and the City should be reaching out. She said they shouldn't be a do nothing City. She said it was very sad that this was where they were at. She wanted a reprimand. She said when the City Council votes six zero for the City Manager to give us something that they could discuss that's more than I asked a couple people and they said nah, we don't feel like it, that's not a good answer.

Council Member Litteral commented that they had a serious situation in the community with the natural disaster. She wanted to comment publically that Mayor Stone had done an excellent job in leading the community and also felt the City Manager had done a fine job. She said any type of discussion for a reprimand was not appropriate at a City Council meeting and should be reserved for an executive session.

Council Member Upton thanked everyone who went to the polls and voted. He said they had heard Council Member Vann ask about this and he didn't know what more could be provided that hadn't been provided. He said the City Manager provided what was directed to him by a six zero vote. He said they've looked at it and had some discussion.

Council Member Vann said all he's said is he wasn't going to give us more information.

Council Member Upton asked Council Member Vann if she didn't see the attachment.

Council Member Vann said they could talk about it a different time.

Council Member Upton addressed Council Member Vann stating you keep saying we're not talking about it and now you want to talk about it another time. He said he felt they had received the information that was requested in the vote. He said he may not had been happy with what was in it but it was provided. He said his position was if they were going to create a new position he would like it to be a position they have needed for more than just the last six months. He said the City has zoning code issues year in and year out. He said they were not providing services to go and check on those codes and was more complaint driven. He said

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they could certainly utilize more staff if they have the dollars but trying to specify it for a one time need and pushing so hard was not appropriate at this time.

Council Member Curran said he enjoyed the Veterans Day event earlier in the day. He said we salute all of the men and women who serve our country.

Vice Mayor Garcia thanked Officer Brown for his work with the Citizens Police Academy. She congratulated the sixth grade Eager Beaver football team on winning their Super Bowl. She also congratulated the girls' high school cross country team who came in first at state.

MAYOR'S REPORT

Mayor Stone said the weather held off until after the Veterans Day event was completed. He said Home2 had their grand opening last week. He said they had a group of visiting Russians who are engineers who talked with different agencies about urban transportation. The Beavercreek Tornado Network and other organizations from the health department had a dinner Sunday which was well attended. He said there were many compliments about the City's response to the tornado. He said he was not going to argue that there weren't people who still have needs. He said that was a whole different issue. He said Council Member Vann did have a good idea to look at possible tornado caused drainage issues or road damage. He said the engineering staff could look into that to determine if priorities need to be adjusted. He said some of the other things they were just not getting the calls for. He said this would be another discussion.

CITY MANAGERS REPORT

Mr. Landrum said Veterans Day was a great event. He reviewed winter driving safety tips when driving near snow plows. He reviewed the upcoming Council meeting dates. He addressed the responses to the comments regarding the new logo. He said at the October 28th Council meeting, Council approved by motion the new logo. He said no principle officers of Schlegel Creative Resources are in any way related to members of Council. The amount paid to Schlegel Creative Resources in 2018 was \$2,100 and to date in 2019 was \$4,375 with an estimated amount still due of \$4,875. He said it was originally budgeted for \$5,000 for a refresh of the logo but the project evolved into more changes. He said when Fairborn updated their logo they spent in excess of \$20,000 for the redesign. The budgeted amount for a rebrand of the City's website is zero due to a free update. The budgeted amount for the City's outdoor signs is zero. He said the budgeted amount for vehicle sign updates is zero. The logo will only be updated on new or replacement vehicles as needed. He said most changed are digital and the City will not be replacement monument signs. He said there was a statement that the City Manager was working behind the scenes and allegations of illegal or hidden

November 11, 2019

action. The City Manager works behind the scenes on nearly everything he does. For this project he worked behind the scenes to coordinate with the committee, the vendor and staff until such time various changes and versions were completed and the committee was ready to recommend the final product. He was asked why high school students, Wright State students or residents were not used for the project. He responded they were not used because of strong opinions that usually come about with any change. He said the logo has never used black and orange or a brown beaver.

CITIZEN COMMENTS

Cheryl Keggan, 2086 Red Rock Dr., Beavercreek, Ohio

Ms. Keggan thanked Mr. Landrum for the statements. She said there was a very strong negative feeling against the proposed logo. She said almost every citizen she had spoken to said they were extremely disappointed and find it appalling. Her friend who was a graphic artist said it was the worst bungled beaver she had ever seen in her life. She said they were almost speechless because it's so bad. She said the color scheme looks like a Tide pod. She said the logo that has been chosen is not accepted by the majority of the citizens of this community. She said there was no widespread openness about the change of what it might look like or what people might like. She said the fact that yes there was a distinct problem of the variety of the current logo was an issue. She said the solution to that was pick one. She said no one had ever objected to any of the current variations being used. She could give you a couple hundred people right now who object to the green and blue logo. Nobody objects to any of the old ones, just pick one. She said that's very simple and you could have saved \$11,000. She said it was ridiculous to not put it in the InTouch or mention it on Twitter or Facebook. She said you did it without citizen wide input in this community. She does not want to see the green and blue blob anywhere in the city. She had hundreds of friends who think the same way. She said if they have to take up a referendum petition to do it, they will do so.

Jenny Beaver, 2384 Kewanna Lane, Beavercreek, Ohio

Ms. Beaver said she was not aware of the logo change until this evening at the meeting. She said she works in the branding industry and did not object to the new branding. She said it may be worthy of a little tweaking but did not object to the coloration or the styling of the beaver.

Citizen Comments was closed.

ADJOURNMENT

Council Member Curran MOVED to adjourn the meeting at 7:10 p.m., seconded by Vice Mayor Garcia. Motion PASSED by majority voice vote.

BEAVERCREEK CITY COUNCIL

REGULAR

November 11, 2019

Bob Stone, Mayor

ATTEST:

Dianne Miscisin
Clerk of Council
Cmin111119

BEAVERCREEK CITY COUNCIL
BUDGET WORK SESSION, November 18, 2019, 5:00 p.m.

Mayor Stone called the meeting to order followed by roll call.

PRESENT: Council Member Curran, Council Member Litteral, Council Member Upton, Council Member Rushing, Council Member Vann, Vice Mayor Garcia, Mayor Stone

ABSENT: Council Member Litteral

Council Member Rushing MOVED to excuse Council Member Litteral and Council Member Vann, seconded by Council Member Curran. Motion PASSED by majority voice vote.

ALSO IN ATTENDANCE: Dennis Evers, Chief of Police; Jeff Fiorita, Captain Beavercreek Police Department; Erin Harris, Recreation Supervisor; Theresa Hathaway, Fiscal Officer; Bill Kucera, Financial Administrative Services Director; Pete Landrum, City Manager; Chad Lindsay, Caption Beavercreek Police Department; Dianne Miscisin, Clerk of Council; Scott Molnar, Captain Beavercreek Police Department Mike Thonnerieux, Public Administrative Services Director; Zack Wike, Assistant Supervisor – Parks

Council Member Upton MOVED to approve the agenda, seconded by Council Member Curran. Motion PASSED by majority voice vote.

DISCUSSION ITEMS

Mr. Kucera summarized the 2019 budget along with highlighting items included with the 2020 draft budget.

Council Member Vann arrived at 5:06 p.m.

2020 Budget Item – Police Fund

Chief Evers gave an overview of his budget summary. The department currently has 50 sworn officers and 11 communication officers. He explained the types of calls being received are becoming more difficult and time consuming. He suggested to look at adding additional officers with the 2021 or 2022 budget. He reviewed the conversion to the sixth addition of the CALEA standards. He reviewed the upcoming retirements and the transitioning process.

2020 Budget Item – Parks and Recreation Fund

BEAVERCREEK CITY COUNCIL

BUDGET WORK SESSION

November 18, 2019

Mr. Thonnerieux gave an overview of the budget summary. The membership and program attendance is continuing to increase at the senior center. He said they would continue to take care of what we have including road repair at Rotary Park.

ADJOURNMENT

Council Member Curran MOVED to adjourn the meeting at 7:10 p.m., seconded by Vice Mayor Garcia. Motion PASSED by majority voice vote.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin
Clerk of Council
Cmin111819budgetworksession

BEAVERCREEK CITY COUNCIL
BUDGET WORK SESSION, November 20, 2019, 5:00 p.m.

Mayor Stone called the meeting to order followed by roll call.

PRESENT: Council Member Curran, Council Member Litteral, Council Member Upton, Council Member Rushing, Council Member Vann, Vice Mayor Garcia, Mayor Stone

ABSENT: None

Vice Mayor Garcia MOVED to excuse Council Member Litteral, seconded Council Member Upton. Motion PASSED by majority voice vote.

ALSO IN ATTENDANCE: Todd Brandenburg, Public Service Superintendent; Theresa Hathaway, Fiscal Officer; Bill Kucera, Financial Administrative Services Director; Pete Landrum, City Manager; Jeff McGrath, Planning & Development Director; Dianne Miscisin, Clerk of Council; Jeff Moorman, City Engineer; Mike Thonnerieux, Public Administrative Services Director

Council Member Rushing MOVED to approve the agenda, seconded by Council Member Curran. Motion PASSED by majority voice vote.

DISCUSSION ITEMS

Council Member Litteral arrived at 5:04 p.m.

2020 Budget Item – Street fund

Mr. Thonnerieux gave an overview of his budget summary. Salt prices are exactly the same as last year. He said they would only be replacing one piece of equipment in the 2020 budget year as opposed to the normal two replaced each year. There was discussion regarding the new GIS system program.

2020 Budget Item – Five Year Capital

Mr. Moorman reviewed the Five Year Capital. There was a review of the unfunded projects along with the upcoming major road projects where grant money has been secured.

Council Member Litteral left at 6:13 p.m.

2020 Budget Item – Golf Fund

Mr. Klick gave an overview of his budget summary. There was discussion regarding reducing the number of Party on the Patio evenings during July and August because of

BEAVERCREEK CITY COUNCIL

BUDGET WORK SESSION

November 20, 2019

low attendance. Trivia nights have very well attended and will be continued. The introduction of a four-tier season rate has been successful and will be continued.

2020 Budget Item – General Fund

The local government fund has increased slightly as well as the hotel/motel tax has increased. There was discussion regarding the city planner positions.

ADJOURNMENT

Vice Mayor Garcia MOVED to adjourn the meeting at 7:11 p.m., seconded by Council Member Curran. Motion PASSED by majority voice vote.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin
Clerk of Council
Cmin112019budgetworksession

BEAVERCREEK CITY COUNCIL

SPECIAL MEETING, November 20, 2019, following Budget Work Session

Mayor Stone called the meeting to order at 7:12 p.m. followed by roll call.

PRESENT: Council Member Curran, Council Member Upton, Council Member Rushing, Council Member Vann, Vice Mayor Garcia, Mayor Stone

ABSENT: Council Member Litteral

Council Member Rushing **MOVED** to excuse Council Member Litteral, seconded Vice Mayor Garcia. Motion **PASSED** by majority voice vote.

ALSO IN ATTENDANCE: Bill Kucera, Financial Administrative Services Director; Pete Landrum, City Manager; Jeff McGrath, Planning & Development Director; Dianne Miscisin, Clerk of Council; Mike Thonnerieux, Public Administrative Services Director

Council Member Rushing **MOVED** to approve the agenda, seconded by Council Member Upton. Motion **PASSED** by majority voice vote.

LIQUOR PERMITS

Round One Entertainment Inc., DBA Round 1 Bowling (New)

Ohio Division of Liquor Control sent police notification reference a new D5J liquor permit for Round One Entertainment Inc. DBA Round 1 Bowling & Amusement, 2727 Fairfield Commons Beavercreek, Ohio 45431. The records checks required by the Ohio Department of Commerce – Division of Liquor control were conducted on the business officers/shareholders for this application request. Staff is recommending this application request move forward without comment

Council Member Vann **MOVED** to accept without comment, seconded by Vice Mayor Garcia. Motion **PASSED** by majority voice vote.

ADJOURNMENT

Council Member Curran **MOVED** to adjourn the meeting at 7:14 p.m., seconded by Vice Mayor Garcia. Motion **PASSED** by majority voice vote.

Bob Stone, Mayor

ATTEST:

BEAVERCREEK CITY COUNCIL

SPECIAL MEETING

November 20, 2019

Dianne Miscisin
Clerk of Council
Cmin112019spec

ORDINANCE NO. 19-22

CITY OF BEAVERCREEK

SPONSORED BY COUNCIL MEMBER UPTON ON THE 28TH DAY OF OCTOBER, 2019.

AN ORDINANCE AMENDING ORDINANCE #17-30 (PUD 17-4, ROCK DRIVE DEVELOPMENT) TO ADD 2.94 ACRES TO THE EXISTING 6.4-ACRE PUD

Whereas YOLO Development, 3500 Pentagon Blvd. Beavercreek OH 45431, has requested this zoning amendment; and

Whereas, the City of Beavercreek Planning Commission has recommended approval of the zoning amendment with conditions and requirements; and

Whereas, the City Council finds that the facts submitted with the application and presented at the public hearing and any modifications, amendments, or supplementary conditions satisfy the standards and criteria for Planned Unit Development approval as per §158.072 of the Zoning Code; and

WHEREAS, the City Council has voted to adopt the recommendation of the Planning Commission with modifications, this being a decision that requires approval by four members of Council.

NOW THEREFORE THE MUNICIPALITY OF BEAVERCREEK HEREBY ORDAINS:

SECTION I

That the Zoning Map referenced in §158.018 of the Zoning Code be amended to change approximately 2.94 acres of land, are located on the west side of North Fairfield Road, approximately 900 feet south of the intersection of Lantz Road and North Fairfield Road from B-2 Community Commercial, and R-1A One Family Residential, to C-PUD, Commercial Planned Unit Development.

SECTION II

1. All conditions of PUD 17-4 remain in full force and effect except where modified herein.
2. The 2.9345 acres, as highlighted in Exhibit A, shall be added to PUD 17-4.

SECTION III

This Ordinance shall take effect from and after the earliest period allowed by law.

SECTION IV

It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

PASSED this 25th day of November, 2019.

Bob Stone, Mayor

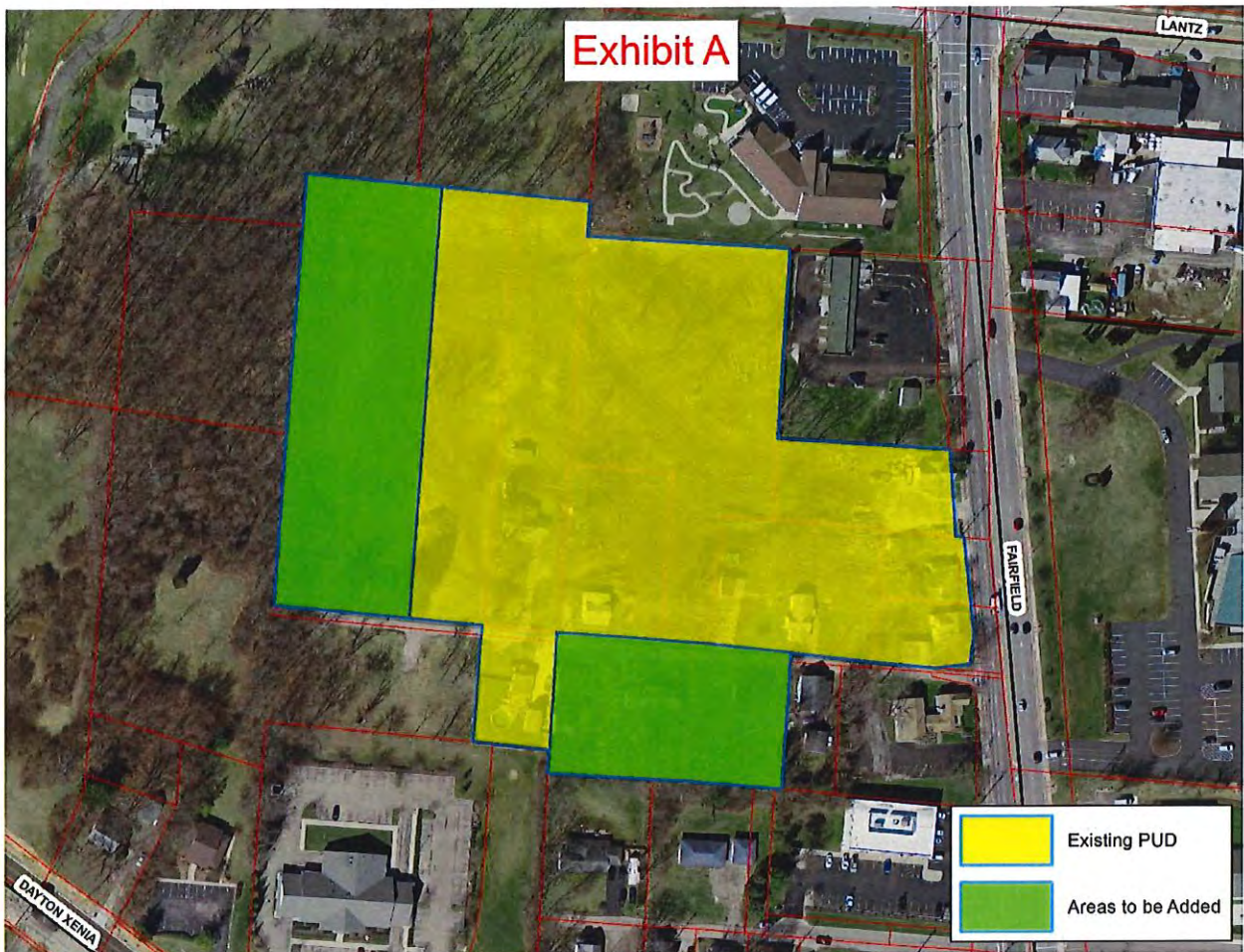
ATTEST:

Dianne Miscisin, Clerk of Council

SUMMARY

This Ordinance adopts a recommendation to rezone 2.94 acres from B-2 and R-1A to C-PUD 17-4.

This is not an emergency ordinance and will become effective 30 days after passage.



ORDINANCE NO. 19-23

CITY OF BEAVERCREEK

SPONSORED BY COUNCIL MEMBER CURRAN ON THE 28TH DAY OF OCTOBER, 2019.

AN ORDINANCE AUTHORIZING THE FILING OF THE ARTICLES OF INCORPORATION OF THE BEAVERCREEK DEVELOPMENT CORPORATION, ADOPTING THE ARTICLES OF INCORPORATION OF THE BEAVERCREEK DEVELOPMENT CORPORATION AND APPROVING THE DESIGNATION OF THE BEAVERCREEK DEVELOPMENT CORPORATION AS THE DESIGNATED DEVELOPMENT AGENCY FOR THE CITY OF BEAVERCREEK

WHEREAS, the Beavercreek City Council is committed to advancing, encouraging and promoting the industrial, economic, commercial, and civic development of the City of Beavercreek, Ohio; and

WHEREAS, pursuant to Ohio Revised Code 1724.10, City Council has the authority to designate the Beavercreek Development Corporation as the designated development agency for the City of Beavercreek for the industrial, commercial, distribution, housing, and research development of the City; and

WHEREAS, City Council has determined that the creation of the Beavercreek Development Corporation will facilitate the reclamation, rehabilitation and reutilization of vacant, abandoned, tax-foreclosed, or other real property within the City; and

WHEREAS, City Council has determined that the designation of the Beavercreek Development Corporation as the designated development agency of the City of Beavercreek will further promote economic and housing development within the City.

NOW, THEREFORE, THE CITY OF BEAVERCREEK, COUNTY OF GREENE, OHIO, HEREBY ORDAINS:

SECTION I: Council hereby authorizes the filing and adoption of the Articles of Incorporation, with an effective starting date of January 1, 2020, as shown in Attachment "A" attached hereto and incorporated herein.

SECTION II: Council hereby authorizes the City Manager to work with the Board of Directors of the Beavercreek Development Corporation to accomplish the mandates set forth in the Articles of Incorporation as shown in Attachment "A" attached hereto and incorporated herein.

SECTION III: Council hereby designates the Beavercreek Development Corporation as the designated development agency for the City of Beavercreek pursuant to Ohio Revised Code 1724.10.

SECTION IV: This Ordinance shall take effect at the earliest time allowed by law.

PASSED this 25th day of November, 2019.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

PREPARED BY: CITY ATTORNEY

**Attachment to Articles of Incorporation
of
Beavercreek Development Corporation**

THIRD: The purpose for which the corporation is formed

- A. To advance, encourage and promote the industrial, economic, commercial, and civic development of the City of Beavercreek, Ohio, by acting as a designated agency of the City, for the industrial, commercial, distribution, housing, and research development in such political subdivision in accordance with Section 1724.10 of the Ohio Revised Code;
- B. To facilitate the reclamation, rehabilitation and reutilization of vacant, abandoned, tax-foreclosed, or other real property within the City;
- C. To promote economic and housing development within the City; and
- D. Said corporation is organized exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"). (This reference and all future references herein to any section of the Code shall be deemed to include all regulations promulgated thereunder and any corresponding provision of any future United States internal revenue law and the regulations thereunder.)

FOURTH: No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to its members, directors, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes as set forth in Article Third hereof. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office.

FIFTH: Notwithstanding any other provision of these Articles, the corporation shall not carry on any activities not permitted to be carried on by a corporation exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, or the corresponding section of any future federal tax code.

SIXTH: In the event of any voluntary or involuntary dissolution, liquidation, or failure to reinstate these Articles of Incorporation after cancellation thereof, any remaining assets of the corporation shall be paid over and distributed by the Board of Directors with the approval of the Court of Common Pleas of Greene County, Ohio, to one or more political subdivisions of the State of Ohio from which on the date of the dissolution, liquidation or cancellation of the Articles of Incorporation there exists a designation of the corporation to act as agent pursuant to Article Third hereof, to be used exclusively for designated civic projects or public charitable purposes.

ORDINANCE NO. 19-24

CITY OF BEAVERCREEK

SPONSORED BY COUNCIL MEMBER LITTERAL ON THE 28TH DAY OF OCTOBER, 2019.

AN ORDINANCE APPROVING AND ADOPTING THE CODE OF REGULATIONS OF THE BEAVERCREEK DEVELOPMENT CORPORATION AND APPROVING THE DESIGNATION OF THE BEAVERCREEK DEVELOPMENT CORPORATION AS THE DESIGNATED DEVELOPMENT AGENCY FOR THE CITY OF BEAVERCREEK

WHEREAS, the Beavercreek City Council is committed to advancing, encouraging and promoting the industrial, economic, commercial, and civic development of the City of Beavercreek, Ohio; and

WHEREAS, pursuant to Ohio Revised Code 1724.10, City Council has the authority to designate the Beavercreek Development Corporation as the designated development agency for the City of Beavercreek for the industrial, commercial, distribution, housing, and research development of the City; and

WHEREAS, City Council has determined that the creation of the Beavercreek Development Corporation will facilitate the reclamation, rehabilitation and reutilization of vacant, abandoned, tax-foreclosed, or other real property within the City; and

WHEREAS, City Council has determined that the designation of the Beavercreek Development Corporation as the designated development agency of the City of Beavercreek will further promote economic and housing development within the City.

NOW, THEREFORE, THE CITY OF BEAVERCREEK, COUNTY OF GREENE, OHIO, HEREBY ORDAINS:

SECTION I: Council hereby approves and adopts the Code of Regulations as shown in Attachment "A" attached hereto and incorporated herein.

SECTION II: Council hereby authorizes the City Manager to work with the Board of Directors of the Beavercreek Development Corporation to accomplish the mandates set forth in the Code of Regulations as shown in Attachment "A" attached hereto and incorporated herein.

SECTION III: Council hereby designates the Beavercreek Development Corporation as the designated development agency for the City of Beavercreek pursuant to Ohio Revised Code 1724.10.

SECTION IV: This Ordinance shall take effect at the earliest time allowed by law.

PASSED this 25th day of November, 2019.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

PREPARED BY: CITY ATTORNEY

**CODE OF REGULATIONS
OF
BEAVERCREEK DEVELOPMENT CORPORATION**

**ARTICLE I
MEMBERSHIP**

Section 1. The directors named by the incorporator of the Corporation shall be the first members and all persons thereafter elected by the members shall upon such election become members of the Corporation.

Section 2. Any regular member may resign at any time by notice in writing delivered to any officer of the Corporation other than himself. If a member misses three consecutive meetings, the member shall be deemed to have resigned. The resignation of a member shall constitute resignation by such person as a director and officer.

**ARTICLE II
MEETINGS OF MEMBERS**

Section 1. The first Board of Directors shall be appointed by the Beavercreek City Council following approval of this Code of Regulations by the Beavercreek City Council. The Board of Director terms shall be as provided herein and the membership of the first Board of Directors shall be in accordance with Article III. There shall be an annual meeting of the members of the Corporation within a period of four (4) months following the close of each fiscal year of the Corporation, on such date in such period as shall be designated by the Board of Directors and at such time and place in the City of Beavercreek Ohio, as shall be fixed in the notice of the meeting, provided that if the Board of Directors does not fix such date, time and place by the last day of the third month following the close of such fiscal year, then the President of the Corporation shall do so.

Section 2. Special meetings of the members may be called and the time, date and place (which shall be within the City of Beavercreek, Ohio) of the special meetings specified, by the President, the Executive Committee, or any three members of the Board of Directors.

Section 3. A majority of the members shall constitute a quorum for the transaction of business at any meeting of the members.

Section 4. Any action which may be taken at a meeting of the members at which a quorum is present may be taken by the affirmative vote of a majority of the members present at such meeting.

Section 5. A written or printed notice of every annual or special meeting of the members, stating the time, place and purpose thereof, shall be given to each member entitled to vote thereat and to each member entitled to notice as provided by law, which notice may be given to a member in person or may be mailed by first class mail to his last address appearing on

the books of the Corporation at least five (5) days prior to any such meeting. Any member may waive in writing, either before or after the holding of such meeting, any notice required to be given by law or under these regulations; and by attendance at any meeting without protesting the lack of proper notice, or by voting at any meeting, a member shall be deemed to have waived notice thereat.

ARTICLE III **BOARD OF DIRECTORS**

Section 1. The Board of Directors shall be the governing board of the Corporation. Directors shall serve for one year terms except as otherwise hereinafter provided. At any time during which the Corporation is acting as the designated agent of one or more political subdivisions, in accordance with Chapter 1724 of the Ohio Revised Code, not less than two-fifths of the Board of Directors shall be composed of appointed or elected officers of such political subdivision or subdivisions, and at least one officer of each such political subdivision shall be a member of the Board of Directors.

Section 2. The Board of Directors shall be constituted as follows:

The Mayor of Beavercreek, or if the Mayor declines a member of Beavercreek City Council as appointed by a majority of Beavercreek City Council
The Beavercreek City Manager
The Beavercreek Planning and Economic Development Director
An appointee with commercial real estate experience or commercial lending experience
One Beavercreek resident selected by the members

Section 3. A Director may be removed for good cause shown by the vote of at least ninety percent of the remaining members of the Board of Directors or may resign at any time by notice in writing delivered to any officer of the Corporation other than himself.

Section 4. Except in the case of death, removal or resignation, a Director shall serve until his successor has been elected. In the event of any vacancy caused by the death, removal or resignation of a Director or by the failure of the members to fill all the positions on the Board at the meeting at which the number of Directors on the Board was fixed pursuant to Section 1 of this Article, any such vacancy may be filled by the vote of a majority of the remaining Directors.

ARTICLE IV **MEETINGS OF THE BOARD OF DIRECTORS**

Section 1. After each annual meeting of the members, or special meeting in lieu thereof, the newly elected Board of Directors, if a quorum thereof be present, shall hold an organizational meeting at the same place for the purpose of electing officers and transacting any other business. Notice of such meeting need not be given. If for any reason, said organizational meeting is not held at such time, a special meeting for such purpose shall be held as soon thereafter as practicable.

Section 2. Regular meetings of the Board of Directors may be held at such times and places within the City of Beavercreek, Ohio, as shall be provided for in the regulations or resolutions adopted by the Board of Directors and no notice of such meeting need be given unless otherwise provided in the regulations or resolutions adopted by the Board of Directors. Special meetings may be called by the President, Executive Committee or any three members of the Board of Directors. The notice of any special meeting shall set forth the time, date and place thereof (which shall be within the City of Beavercreek, Ohio) and the person or persons calling such meeting shall cause such notice to be given. Notice of each such meeting shall be given to each Director in writing, by personal delivery, first class mail, or email, and such writing shall be delivered, mailed or emailed not less than three (3) days prior to such meeting; provided, however, that such notice shall be deemed to have been waived by the Directors attending such meeting without protesting the lack of proper notice, or by noting at any such meeting and may be waived in writing or by telegram or cablegram by any Director either before or after such meeting. Unless otherwise limited in the notice thereof, any business may be transacted at any special meeting.

Section 3. At any meeting of the Board of Directors, a quorum shall consist of a majority of the Directors in office at the time.

Section 4. Except as otherwise provided in this Code of Regulations, any action which may be taken at a meeting of the Board of Directors may be taken by a vote of a majority of the Directors present at such meeting, provided that a quorum is present.

Section 5. Any action which may be authorized or taken at a meeting of the Board of Directors may be authorized or taken without a meeting with the affirmative vote or approval of, and in a writing or writings signed by, all of the members of the Board of Directors then in office.

ARTICLE V **OFFICERS**

Section 1. The Board of Directors shall elect a President, a Secretary/Treasurer and may elect an Executive Director and such other officers as the Board of Directors may deem appropriate. The President and Vice President shall be, and the other officers may, but need not, be chosen from the members of the Board of Directors. Any two of the offices may be held by one person, but in any case in which the action of more than one officer is required, no one person shall sit in more than one capacity. The office of Secretary/Treasurer shall be held by the Financial Administrative Services Director for the City of Beavercreek.

Section 2. Any officer may resign at any time by notice in writing delivered to any officer of the Corporation other than himself.

Section 3. Except in the case of death, removal or resignation, an elected officer shall serve until his successor has been elected. In the event of death, removal or resignation of an elected officer (other than the President if there is a Vice President in office at the time), the Board of Directors shall elect a successor for the balance of the unexpired term of such officer

position. In the event of the death or resignation of the President (if there is a Vice President in office at the time), the Vice President shall assume the office of President for the balance of the unexpired term, and shall be deemed to have resigned the office of Vice President.

ARTICLE VI

DUTIES OF OFFICERS

Section 1. The President shall preside at meetings of the Board of Directors, may designate the date, time and place of meeting of the members and Board of Directors as provided herein, may execute all authorized instruments, including, without limitation, contracts, bonds, notes, debentures, deeds, mortgages and other obligations in the name of and on behalf of the Corporation, and shall perform such other duties as the Board of Directors may require.

Section 2. In case of the absence or disability of the President, or when circumstances prevent the President from acting, the Vice President, if any, shall perform all of the duties of the President and, in such case, shall have all of the powers and obligations of the President, and any such instruments so executed by the Vice President shall be as valid and binding as though executed by the President. The Vice President shall also perform such other duties as the Board of Directors may require.

Section 3. The Secretary/Treasurer shall take and keep records of the meetings of the members and of the Board of Directors, conduct such correspondence of the Corporation as may be designated by the President, perform the usual duties of his office and perform such other duties as the Board of Trustees may require.

The Secretary/Treasurer shall be the custodian of all funds and securities in other corporations and similar property belonging to the Corporation and shall do with the same as may be ordered by the Board of Directors. He shall keep accurate financial accounts and hold the same open for examination of the Directors. On the expiration of his term of office, he shall turn over to his successor or the Board of Directors all property, books, papers, and moneys of the Corporation in his hands.

Section 4. The Board of Directors may also elect for a term of one year one or more Assistant Secretary/Treasurer, who shall perform the duties of the Secretary/Treasurer in the case of the absence or disability of such Secretary/Treasurer, together with such other duties as the Board of Directors may from time to time prescribe. The power of such officers to execute all authorized deeds, mortgages, bonds, notes, contracts, and other obligations in the name of and on behalf of the Corporation shall be coordinate with like powers of the Secretary/Treasurer, and any such instrument so executed by any Assistant Secretary/Treasurer shall be as valid and binding as though executed by the Secretary/Treasurer. Such other officers as the Board of Directors may elect shall have such powers and duties as the Board of Directors may from time to time prescribe.

Section 5. The Executive Director, if one shall be elected, shall be the chief administrative officer of the Corporation. He shall be responsible for supervising the property, business and affairs of the Corporation, subject to the direction of the Board of Directors. He

may execute all authorized instruments including, without limitation, contract, bonds, notes, debentures, deeds, mortgages and other obligations in the name of and on behalf of the Corporation, and shall perform such other duties as the Board of Directors may require. If an Executive Director is not elected, the duties and powers set forth herein shall be performed by and be applicable to one or more other officers as provided in Section 6 of this Article. The Executive Director shall be a non-voting member on the Board of Directors.

Section 6. The Board of Directors is authorized to delegate the duties of any officer to any other officer and generally to control the actions of the officers and to require the performance of duties in addition to those mentioned herein.

Section 7. Any officer, if required by the Board of Directors, shall give bond in such form and with such security as the Board of Directors from time to time may require for the faithful performance of his duties.

Section 8. The Board of Directors shall select depositories for the safekeeping of the moneys of the Corporation and establish the procedure for deposit and withdrawal of such moneys. In lieu of such deposit, the Board of Directors from time to time may authorize investment, of such moneys of the Corporation as are not then required, in any obligations in which a county or municipal corporation is authorized by the applicable sections of the Ohio Revised Code to invest its moneys.

ARTICLE VII **COMMITTEES**

Section 1. The Executive Committee of the Board of Directors shall be designated in accordance with and shall be subject to the following provisions:

- (a) At any meeting of the Board of Directors, it may designate an Executive Committee consisting of such number of Directors as the Board from time to time determines. The President shall be member of and shall serve as chairman of the Executive Committee.
- (b) Except as otherwise provided by the Board of Directors, the Executive Committee shall meet at such times and places it shall determine. The call of such meetings and giving of notice thereof shall be in the manner established by such Committee. At any meeting of said Committee, a quorum shall consist of a majority of the members, but the affirmative vote of a majority of all members of the Committee shall be necessary to the taking of any action by the Committee.
- (c) The Executive Committee may adopt regulations or resolutions to provide for the conduct of its affairs, provided that such regulations or resolutions shall not be contrary to the regulations or resolutions adopted by the Board of Directors, this Code of Regulations or the Articles of Incorporation of the Corporation.

- (d) The Executive Committee shall serve at the pleasure of the Board of Directors and, during the intervals between meetings of the Board, shall possess and may exercise such powers of the Board as may be delegated from time to time by the Board to it, provided that the Executive Committee shall not be empowered to fill vacancies in the Board of Directors or officers of the Corporation, nor to fill vacancies in or add to its own membership.

Article 2. The Board of Directors may create other committees of the Board to consist of not less than three Directors, and may delegate to such committees such powers and duties of the Board as it shall deem appropriate. Except as otherwise provided by the Board of Directors, each such committee shall regulate its own procedure.

ARTICLE VIII

INDEMNIFICATION OF DIRECTORS AND OFFICERS

Section 1. The Corporation shall indemnify any Director, officer, agent, or employee, or a former Director, officer, agent, or employee of the Corporation, against expenses (including attorneys' fees), judgments, fines and amounts paid in settlement or incurred in connection with the defense or settlement of any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative, or investigative, to which such Director, officer, agent, or employee was or is a party or is threatened to be made a party by reason of the fact that he is or was such Director, officer, agent, or employee, to the extent that any such expenses or amounts were actually incurred, provided:

- (a) that he acted in good faith in what he reasonably believed to be in or not opposed to the best interests of the Corporation; and
- (b) that, in any matter the subject of a criminal action, suit or proceeding, he had no reasonable cause to believe that his conduct was unlawful.

The determination as to (a) and (b) above shall be made (i) by the Board of Directors by a majority vote of a quorum consisting of Directors who were not and are not parties to or threatened with any such action, suit or proceeding, or any other action, suit or proceeding arising from the same or similar operative facts, or (ii) if such a quorum is not obtainable, or even if obtainable if a majority of such quorum of disinterested Directors so directs, in a written opinion by independent legal counsel other than an attorney, or a firm having associated with it an attorney, who has been retained by or who has performed services for the Corporation, or any person to have been so indemnified within the past five years; or (iii) by the Court of Common Pleas or the court in which the action, suit or proceeding was brought.

The termination of any claim, action, suit, or proceeding by judgment, order, settlement, conviction, or upon a plea of guilty or nolo contendere or its equivalent, shall not, of itself, create a presumption that such person did not meet the standards of conduct referred to above.

Notwithstanding the foregoing, in any action by or in behalf of the Corporation, no indemnification shall be made in respect of any claim, issue or matter as to which such present or

former Director, officer, agent, or employee shall have been adjudged to be liable for negligence or misconduct in the performance of his duty to the Corporation unless, and only to the extent that, the Court of Common Pleas or the court in which such action or suit was brought shall determine upon application that, despite the adjudication of liability, but in view of all the circumstances of the case, such present or former Director, officer, agent, or employee is fairly and reasonably entitled to indemnity for such expenses as the court shall deem proper.

To the extent that any such person has been successful on the merits or otherwise with respect to any action, suit or proceeding referred to above, or in the defense of any claim, issue or matter therein, such person shall be indemnified against expenses, including attorneys' fees, actually and reasonably incurred in connection therewith without the determination specified above.

The Corporation may pay expenses, including attorneys' fees, incurred in connection with defending any action, suit or proceeding referred to above prior to final disposition thereof, as authorized by the Board of Directors upon receipt of a satisfactory undertaking by such person to repay such amount, unless it shall ultimately be determined that such person is entitled to indemnification by the Corporation as herein authorized.

The indemnification provided by this Article shall not be deemed exclusive of, or in any way to limit, any other rights to which any person seeking indemnification may be entitled as a matter of law, by the Articles, regulations, agreements, insurance, or otherwise, with respect to acting in his official capacity, and shall continue as to a person who has ceased to be a Director, officer, agent, or employee, and shall inure to the benefit of the heirs, executors and administrators of such a person.

Section 2. The Corporation may purchase and maintain insurance on behalf of any person who is or was a Director, officer, agent, or employee, against any liability asserted against him and incurred by him in any capacity, or arising out of his status as such, whether or not the Corporation would have the power to indemnify him against such liability under the provisions of this Articles or of the Ohio Revised Code.

Section 3. If any part of this Article shall be found, in any action, suit or proceeding, to be invalid or ineffective, the validity and the effect of the remaining parts shall not be affected.

ARTICLE IX **FISCAL YEAR**

Section 1. The fiscal year of the Corporation shall be from January to December, inclusive, unless another fiscal year is adopted.

ARTICLE X
AMENDMENTS

This Code of Regulations may be amended by assent thereto in a writing signed by at least two-thirds of the members, or by a majority vote at any meeting of the members, provided that the notice of said meeting stated the consideration of the amendment to be the purpose or a purpose of the meeting.

Adopted: _____, 2019

**CITY OF BEAVERCREEK
CITY COUNCIL
AGENDA ITEM REPORT**

REL

Meeting Date: November 25, 2019 Agenda Reference No.: VI-D	Reference Topic: Ordinance No. 19-28 TO APPROVE SUPPLEMENTAL APPROPRIATIONS AND CERTIFY ADDITIONAL REVENUE FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2019, AND ENDING DECEMBER 31, 2019, AND TO AMEND ORDINANCE 18-28, 19-01, 19-03, 19-12, 19-17, 19-18, 19-19 AND 19-21.
------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

ACTION REQUESTED		
<input checked="" type="checkbox"/> Adopt Ordinance	<input type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Other Motion _____

RESPONSIBLE DEPARTMENT OR AGENCY		
<input checked="" type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Human Resources
<input type="checkbox"/> Parks, Recreation & Culture	<input type="checkbox"/> Engineering	<input type="checkbox"/> Golf Course
<input type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input type="checkbox"/> City Manager

BACKGROUND AND STAFF SUMMARY:

Debt Service Fund (300)

Each fiscal year the City budgets the debt service payment based on the bond debt service scheduled received when the bond closed. This year Pentagon Blvd bond received additional revenue from the effected parcels. This was due to a delinquent payment from FY 2018 paid in 2019. The City forwards all revenue received from the County Auditor and therefore forwarded the additional revenue. This process resulted in the City exceeding budgeted expenditures and as a result exceeding appropriated expenditures for the entire fund. Therefore, the City simply must appropriate the difference of \$738 (300-59-4301-3061 Bond Principal & Interest).

Voted Debt Service (310)

The Voted Debt Service fund is used to account for our Public Safety Building debt service for the construction of the building (currently at .25 mills through 2022). As we discussed, the County Auditor increased their collection rates on the City's levies in 2019. The increased County Auditor fees were not adjusted in this fund in 2019 and therefore the collection fees exceeded the budgeted amount. Therefore, the City must appropriate the additional expenditure of \$1,244 (310-51-1990-3089 Auditor Fees).

Energy Special Improvement District (620)

The newly adopted 620 fund is used to assess the City's first Energy Special Improvement District (ESID) established for energy efficiency upgrades at Fairfield Mall. When the fund was originally budgeted the amount only included the debt service assessment. However, besides the debt service amounts, the assessment also includes trustee fees and ESID fees. Since this was not budgeted the additional revenue received for these fees must be certified and the amount forwarded to the Port Authority (holder of the debt service for this project) must be appropriated. Therefore, the revenue of \$6,049 needs to be certified (620-450100 ESID Assessments) and these additional fees must be appropriated (620-59-1990-3199 Other Professional Services).

STAFF RECOMMENDATION: Staff recommends adoption of Ordinance 19-28.

**CITY OF BEAVERCREEK, OHIO
ORDINANCE NO. 19-28**

SPONSORED BY COUNCIL MEMBER _____ ON THE 25th DAY OF NOVEMBER, 2019.

**TO APPROVE SUPPLEMENTAL APPROPRIATIONS AND CERTIFY
ADDITIONAL REVENUE FOR THE FISCAL YEAR BEGINNING JANUARY
1, 2019, AND ENDING DECEMBER 31, 2019, AND TO AMEND
ORDINANCES 18-28, 19-01, 19-03, 19-12, 19-17, 19-18, 19-19 AND 19-21.**

WHEREAS, the annual appropriations for 2019 was authorized in Ordinances 18-28, 19-01, 19-03, 19-12, 19-17, 19-18, 19-19 and 19-21 it is now the desire to supplement and amend these appropriations and certify additional revenue, and

NOW, THEREFORE, THE CITY OF BEAVERCREEK HEREBY ORDAINS:

SECTION I.

That to provide for current expenses and other expenditures of the City of Beavercreek during said fiscal year ending December 31, 2019, the following amounts appropriated in Ordinance 18-28 19-01, 19-03, 19-12, 19-17, 19-18, 19-19 and 19-21 are hereby amended and the recertification of additional revenue, while preserving all other appropriations as previously approved.

REVENUE FUND (FUND #)	INCREASE REVENUE CERTIFICATIONS
ENERGY SPECIAL IMPROVEMENT DISTRICT (620)	\$ 6,049
TOTAL:	<u>\$ 6,049</u>

EXPENSE FUND (FUND #)	INCREASE/DECREASE APPROPRIATIONS
DEBT SERVICE FUND (300)	\$ 738
VOTED DEBT SERVICE FUND (310)	\$ 1,244
ENERGY SPECIAL IMPROVEMENT DISTRICT (620)	\$ 6,049
TOTAL:	<u>\$ 8,031</u>

SECTION II.

In order to conform to the amendments detailed in Section I with the schedule of 2019 annual appropriations previously approved, the Financial Administrative Services Director is hereby directed to prepare and certify a restatement of annual appropriations reflecting all approved appropriations and certify the above noted revenue.

SECTION III.

It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that

any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to, Section 121.22 of the Ohio Revised Code.

SECTION IV.

This supplement to the Annual Appropriation Ordinance shall take effect upon adoption, in accordance with Sections 10.04 and 10.10 of the Beavercreek City Charter.

PASSED this 25th day of November, 2019.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

ORD 19-28

SUMMARY

An Ordinance to approve supplemental appropriations, certify additional revenue for the Fiscal Year ending December 31, 2019.

This is a supplement to the Annual Appropriation Ordinance and in accordance with Sections 10.04 and 10.10 of the Beavercreek City Charter will become effective immediately upon its passage.

**CITY OF BEAVERCREEK
CITY COUNCIL
AGENDA ITEM REPORT**

P&L

Meeting Date: <u>November 25, 2019</u>	Reference Topic: Dayton-Xenia Road Widening Project; R/W Acquisition; Primary Properties, LTD Property
Agenda Reference No.: <u>VII.E.</u>	Resolution No. <u>16-69</u>

ACTION REQUESTED		
<input type="checkbox"/> Adopt Ordinance	<input checked="" type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Other _____

RESPONSIBLE DEPARTMENT OR AGENCY		
<input type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input checked="" type="checkbox"/> Engineering	<input type="checkbox"/> Planning & Zoning
<input type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input type="checkbox"/> City Manager
<input type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

BACKGROUND AND STAFF SUMMARY:

The Dayton-Xenia Road Widening Project generally consists of the widening of Dayton-Xenia Road between E. Lynn Drive and Beaverbrook Drive to a three (3) lane pavement section with curb, gutters, storm sewer, and pedestrian facilities along both sides of the roadway.

Over the past several months, this office has been actively pursuing the purchase of the additional right-of-way and easements needed to build the improvement. In order to construct this widening project it was necessary to purchase additional property rights from 33 individual property owners, where these efforts have resulted in agreements with 29 of these owners to date.

Unfortunately, our efforts to purchase the additional property rights needed to construct this improvement from Primary Properties LTD have been unsuccessful. The City's right-of-way acquisition consultant has made multiple attempts to contact the property owner, but they have been unresponsive to date. The passage of this Resolution and the accompanying Ordinance will allow for this project to proceed on schedule if the City and the property owner are unable to agree upon the terms for the sale of this land.

As always, this office will continue to attempt to contact the property owner as the project schedule will permit in order to try to avoid using the appropriations process to acquire the necessary property rights.

STAFF RECOMMENDATION:

Therefore, it is recommended that City Council approve the attached Resolution so that this project may proceed.

**CITY OF BEAVERCREEK
RESOLUTION NO. 19-69**

SPONSORED BY COUNCIL MEMBER _____ ON THE 25TH
DAY OF NOVEMBER, 2019.

**A RESOLUTION TO DECLARE THE NECESSITY AND INTENT
TO ACQUIRE CERTAIN PARCELS OR REAL ESTATE AND
OTHER PROPERTY INTERESTS OWNED PRIMARY
PROPERTIES, LTD WITH INTEREST BY OTHERS, FOR THE
DAYTON-XENIA ROAD WIDENING PROJECT, IN THE CITY OF
BEAVERCREEK, OHIO.**

WHEREAS, the City of Beavercreek is engaged in the acquisition of right-of-way for the Dayton-Xenia Road Widening Project in the City of Beavercreek, Ohio; and

WHEREAS, the acquisition of the parcels of real estate and other property interests hereinafter described is necessary for the public purpose of roadway construction in connection with said project; and

WHEREAS, this Council has determined that the lands hereinafter described are necessary for roadway construction in connection with such project;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEAVERCREEK, OHIO, THAT:

SECTION I.

Council hereby declares the necessity and intention to appropriate certain permanent and temporary right-of-way and easements in accordance with Chapter 163 of the Ohio Revised Code.

SECTION II.

Council considers it necessary and declares its intention to appropriate certain permanent and temporary right-of-way in real estate described in Exhibit 'A' and Exhibit 'B' attached hereto and incorporated herein; the owners, persons or entities in possession and persons or entities having an interest of record and others which may have an interest include Primary Properties, LTD, and any other lien holders, persons or entities declaring a lawful interest in said same real estate.

SECTION III.

The City Manager or his designee is hereby authorized to cause written notice of the adoption of this Resolution to be given to the owners, person in

possession of, or having an interest of record or other interest in the above-described premises, and said notice shall be served according to law by a person to be designated for that purpose by said City Manager or his designee and to make return of said service of notice in the manner provided by law.

SECTION IV.

It is hereby found and determined that all formal actions of the Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limiting to Section 121.22 of the Ohio Revised Code.

SECTION V.

This Resolution shall become effective immediately upon its passage.

THIS RESOLUTION IS ADOPTED BY THE Council of the City of Beavercreek, Ohio this 25th day of November, 2019.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

EXHIBIT A

LPA RX 887 T

Page 1 of 2

Rev. 07/09

Ver. Date 08/05/19

PID 98146

**PARCEL 39-T
GRE-CR142-1.21
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
IMPROVE DRIVEWAY AND GRADING
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
CITY OF BEAVERCREEK, GREENE COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Greene, City of Beavercreek, Section 3, Town 2, Range 7, M.R.s. and being part of Lot 149A of the Replat of Lots 149 & 150 Knollwood Estates, Section 2 as recorded in Plat Cabinet 34, Page 787A-B of the plat records of Greene County, Ohio and conveyed to Primary Properties, Ltd. as recorded in Official Record 1983, Page 888 of the Deed Records of Greene County, Ohio and being more particularly described as follows:

Being a parcel lying on the right side of the existing centerline of right of way of Dayton-Xenia Road as part of the GRE-CR142-1.21 Centerline Plat made by Northwest Consultants, Inc. for the City of Beavercreek as recorded in Plat Cabinet 38 Page 374A-376B of the plat records of Greene County, Ohio and being located within the following described points in the boundary thereof:

Commencing at a point on the west line of said Replat of Lots 149 & 150 Knollwood Estates, Section 2, said point also being on the proposed utility easement line, said point being 39.50 feet right of Dayton-Xenia Road proposed centerline of construction station 75+16.24 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

Thence easterly on the proposed utility easement line, being an easement line 39.50 feet southerly of, as measured perpendicular to and parallel with, the existing centerline of construction of Dayton-Xenia Road, South 74 degrees 08 minutes 22 seconds East, 68.76 feet, to a point on the proposed temporary easement line, said point being 39.50 feet right of station 75+85.00;

Thence southwesterly on the proposed temporary easement line, South 41 degrees 19 minutes 26 seconds West, 11.63 feet, to a point on the proposed temporary easement line, said point being 50.00 feet right of station 75+80.00;

EXHIBIT A

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Thence westerly continuing on the proposed temporary easement line, North 74 degrees 08 minutes 22 seconds West, 61.83 feet, to a point on the west line of said Replat of Lots 149 & 150 Knollwood Estates, Section 2, said point being 50.00 feet right of station 75+18.17;

Thence northerly on the west line of said Replat of Lots 149 & 150 Knollwood Estates, Section 2, also being the east lot line of Lot 148 of Knollwood Estates, Section 2 plat as recorded in Plat Cabinet 31, Page 302B of the plat records of Greene County, Ohio, North 05 degrees 25 minutes 38 seconds East, 10.68 feet, to the **TRUE POINT OF BEGINNING** and containing 0.0157 acres, of which 0.0000 acres is PRO (Present Road Occupied), leaving a net take of 0.0157 acres, more or less, subject to legal highways and other easements of record.

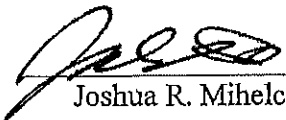
The above described area is contained within Greene County Auditor's permanent parcel number B42000200110012200.

Prior Instrument Reference as of the date this survey was prepared: Official Record 1983, Page 888 of the Deed Records of Greene County, Ohio.

Description based on a field survey conducted by Northwest Consultants, Inc. during the months of June 2017 and December 2017 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

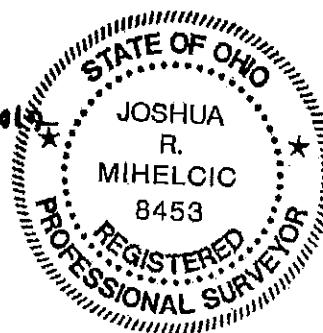
Bearings used herein are based on Ohio State Plane Coordinates, South Zone, referenced to NAD (83) (2011) and are for this project use only.

This description was prepared on August 5, 2019 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.


Joshua R. Mihelcic

08-05-2019
Date

Registered Surveyor of Ohio: No. S-008453



DESCRIPTION CHECK

Greene County Engineer's Tax Map Dept.

- ☒ Legally Sufficient As Described
☐ Legally Sufficient With Corrections Needed
☐ Legally Insufficient, New Survey Required

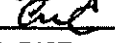
By:  Date: 8-6-19
PAR ID: DIST ___ BK ___ PG ___ PAR ___

EXHIBIT A

LPA RX 883 U

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Rev. 09/12

Ver. Date 08/21/19

PID 98146

**PARCEL 39-U
GRE-CR142-1.21
PERPETUAL EASEMENT FOR UTILITY PURPOSES
IN THE NAME AND FOR THE USE OF THE
CITY OF BEAVERCREEK, GREENE COUNTY, OHIO**

Public Utility Easement is provided for the right to construct, use, maintain and keep in repair thereon public utilities and appurtenances thereto necessary to the operation thereof, and also the right of ingress to and egress from said easement and to cut, trim or remove trees and under growth or overhanging branches within said easement or immediately adjacent thereto and is perpetually dedicated to the City of Beavercreek, Ohio.

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Greene, City of Beavercreek, Section 3, Town 2, Range 7, M.R.s. and being part of Lot 149A of the Replat of Lots 149 & 150 Knollwood Estates, Section 2 as recorded in Plat Cabinet 34, Page 787A-B of the plat records of Greene County, Ohio and conveyed to Primary Properties, Ltd. as recorded in Official Record 1983, Page 888 of the Deed Records of Greene County, Ohio and being more particularly described as follows:

Being a parcel lying on the right side of the existing centerline of right of way of Dayton-Xenia Road as part of the GRE-CR142-1.21 Centerline Plat made by Northwest Consultants, Inc. for the City of Beavercreek as recorded in Plat Cabinet 38 Page 374A-376B of the plat records of Greene County, Ohio and being located within the following described points in the boundary thereof:

Commencing at a 1 inch iron pin found at the intersection of the existing south standard highway easement line of Dayton-Xenia Road with the existing east standard highway easement line of South Longview Street, said pin being 27.11 feet right of Dayton-Xenia Road proposed centerline of construction station 73+51.27;

Thence northerly on a line perpendicular to the existing centerline of right of way of Dayton-Xenia Road, North 15 degrees 51 minutes 38 seconds East, 30.00 feet, to a point on the existing centerline of right of way of Dayton-Xenia Road, said point being 2.89 feet left of station 73+51.27;

EXHIBIT A

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Thence easterly on the existing centerline of right of way of Dayton-Xenia Road, South 74 degrees 08 minutes 22 seconds East, 157.16 feet, to a point on the existing centerline of right of way of Dayton-Xenia Road, said point also described as the northwest corner of said Replat of Lots 149 & 150 Knollwood Estates, Section 2, said point being 2.89 feet left of station 75+08.43;

Thence southerly on the west line of said Replat of Lots 149 & 150 Knollwood Estates, Section 2, also being the east lot line of Lot 148 of Knollwood Estates, Section 2 plat as recorded in Plat Cabinet 31, Page 302B of the plat records of Greene County, Ohio, South 05 degrees 25 minutes 38 seconds West, 30.50 feet, to a point on the existing south right of way line of Dayton-Xenia Road, said point witnessed by a 3/4 inch iron pin found South 49 degrees 44 minutes 08 seconds East, 0.36 feet, said point being 27.11 feet right of station 75+13.95 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

Thence easterly on the existing south right of way line of Dayton-Xenia Road, being a right of way line 30.00 feet southerly of, as measured perpendicular to and parallel with, the existing centerline of right of way of Dayton-Xenia Road, also being the north lot line of said Lot 149A, South 74 degrees 08 minutes 22 seconds East, 162.68 feet, to a point on the existing west right of way line of South Central Avenue, said point also described as the northeast corner of said Lot 149A, said point being 27.11 feet right of station 76+76.63;

Thence southerly on the existing west right of way line of South Central Avenue, being a right of way line 25.00 feet westerly of, as measured perpendicular to and parallel with, the existing centerline of right of way of South Central Avenue, South 05 degrees 25 minutes 38 seconds West, 16.16 feet, to a point on the proposed utility easement line, said point being 43.00 feet right of station 76+79.56;

Thence northwesterly on the proposed utility easement line, North 54 degrees 01 minutes 57 seconds West, 10.18 feet, to a point on the proposed utility easement line, said point being 39.50 feet right of station 76+70.00;

Thence westerly on the proposed utility easement line, being an easement line 39.50 feet southerly of, as measured perpendicular to and parallel with, the proposed centerline of construction of Dayton-Xenia Road, North 74 degrees 08 minutes 22 seconds West, 153.76 feet, to a point on the west line of said Replat of Lots 149 & 150 Knollwood Estates, Section 2, said point being 39.50 feet right of station 75+16.24;

EXHIBIT A

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Thence northerly on the west line of said Replat of Lots 149 & 150 Knollwood Estates, Section 2, also being the east lot line of Lot 148 of said Knollwood Estates, Section 2 plat, North 05 degrees 25 minutes 38 seconds East, 12.60 feet, to the **TRUE POINT OF BEGINNING** and containing 0.0466 acres, of which 0.0000 acres is PRO (Present Road Occupied), leaving a net take of 0.0466 acres, more or less, subject to legal highways, an existing 10 foot utility easement as recorded in said Replat of Lots 149 & 150 Knollwood Estates, Section 2 and other easements of record.

The above described area is contained within Greene County Auditor's permanent parcel number B42000200110012200.

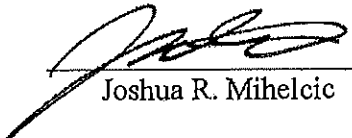
Prior Instrument Reference as of the date this survey was prepared: Official Record 1983, Page 888 of the Deed Records of Greene County, Ohio.

Description based on a field survey conducted by Northwest Consultants, Inc. during the months of June 2017 and December 2017 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

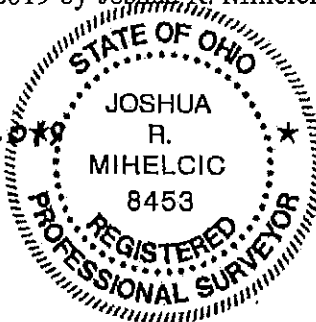
Bearings used herein are based on Ohio State Plane Coordinates, South Zone, referenced to NAD (83) (2011) and are for this project use only.

All iron pins to be set referenced herein are 3/4 inch diameter x 30 inch long iron bars with 2-1/2 inch aluminum cap stamped "CITY OF BEAVERCREEK R/W, P.S. 8453, NORTHWEST CONSULTANTS, INC." and will be set after construction.

This description was prepared on August 21, 2019 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.


Joshua R. Mihelcic

08-21-2019
Date



Registered Surveyor of Ohio: No. S-008453

NET RESIDUE = RECORD AREA - TOTAL PRO - NET TAKE NET TAKE = GROSS TAKE - PRO IN TAKE											GRANTEE: ALL RIGHT OF WAY ACQUIRED IN THE NAME OF THE CITY OF BEAVERCREEK UNLESS OTHERWISE SHOWN.				FEDERAL PROJECT NO.			
ALL AREAS IN ACRES																		
PARCEL NO.	OWNER	SHEET NO.	OWNERS RECORD BOOK	PAGE	AUDITOR'S PARCEL	RECORD AREA	TOTAL P.R.O.	GROSS TAKE	P.R.O. IN TAKE	NET TAKE	STRUC- TURE	NET RESIDUE LEFT	RIGHT	TYPE FUND	REMARKS	AS ACQUIRED BOOK PAGE		PID NO.
38-WD1	PJM COMMERCIAL INVESTMENTS, LLC	16-17	3341	572	B42000200110001200	0.0607 (c)	0.0086	0.0086	0.0086	0.0000				CITY				
38-WD2		16-17	3341	572	B42000200110001300	0.464 (P)	0.1708	0.0748	0.0748	0.0000								
	TOTAL					0.5247	0.1794	0.0834	0.0834	0.0000		0.3453						
38-U1		14-17	3341	572	B42000200110000900	0.732 (P)	0.0000	0.0248	0.0000	0.0248					FOR CONSTRUCTION & MAINTENANCE OF UTILITIES			
38-U2		16-17			B42000200110001200			0.0020	0.0000	0.0020					FOR CONSTRUCTION & MAINTENANCE OF UTILITIES			
38-U3		16-17			B42000200110001300			0.0202	0.0000	0.0202	S				FOR CONSTRUCTION & MAINTENANCE OF UTILITIES, SIGN			
	TOTAL							0.0470	0.0000	0.0470								
38-T1		14-17			B42000200110000900			0.0436	0.0000	0.0436					FOR GRADING AND DRIVEWAY IMPROVEMENTS			
38-T2		16-17			B42000200110001200			0.0064	0.0000	0.0064					FOR GRADING AND DRIVEWAY IMPROVEMENTS			
38-T3		16-17			B42000200110001300			0.0507	0.0000	0.0507					FOR GRADING AND DRIVEWAY IMPROVEMENTS, (S) PARKING SPOTS			
	TOTAL							0.1007	0.0000	0.1007								
39-U	PRIMARY PROPERTIES, LTD.	16-17	1983	888	B42000200110012200	0.5860	0.0000	0.0466	0.0000	0.0466					FOR CONSTRUCTION & MAINTENANCE OF UTILITIES, (S) SHRUBS & LANDSCAPING, (H) SHRUBS, (S) PARKING BLOCKS & SPOTS, LANDSCAPING			
39-T		16-17						0.0157	0.0000	0.0157					FOR GRADING AND DRIVEWAY IMPROVEMENTS			
40	NOT USED																	
41-WD	PAUL C. TURLAND, MARTIN M. HOLZNER, GEORGE D. AUBINS & CAROL FORSHAM	16-17	198	244	B42000200110031800	0.8553 (c)	0.0000	0.0007	0.0000	0.0007		0.8546			(S) PARKING BLOCKS & SPOTS			
41-U		16-17						0.0305	0.0000	0.0305	S				FOR CONSTRUCTION & MAINTENANCE OF UTILITIES, SIGN			
41-T		16-17						0.0512	0.0000	0.0512					FOR GRADING AND DRIVEWAY IMPROVEMENTS			
42	NOT USED																	
43-WD	MLS REALTY	16-17	2017016099		B42000200110012400	0.4285 (P)	0.1604	0.0829	0.0822	0.0007			0.2674					
43-U		16-17						0.0204	0.0000	0.0204					FOR CONSTRUCTION & MAINTENANCE OF UTILITIES			
43-T		16-17						0.0147	0.0000	0.0147					FOR GRADING IMPROVEMENTS			
44-WD	RONALD R. FLOWERS & VICKI H.L. FLOWERS	16-17	1216	875	B42000200110012500	0.4285 (P)	0.0688	0.0688	0.0688	0.0000			0.3597					
44-U		16-17						0.0284	0.0000	0.0284	S				FOR CONSTRUCTION & MAINTENANCE OF UTILITIES, SIGN			
44-T		16-17						0.0514	0.0000	0.0514					FOR GRADING AND DRIVEWAY IMPROVEMENTS, (S) PARKING SPOTS			
45-WD1	KNOLLWOOD FLORISTS, INC.	16-19	456	450	B42000200110031700	1.4840	0.1002	0.1098	0.1002	0.0096					(S) LANDSCAPING, (S) ROCK, SHRUB & LANDSCAPING			
45-WD2		16-19	156	444	B42000200110031600	1.8300	0.2061	0.2061	0.2061	0.0000					(S) TREES, (S) SHRUB, (S) LANDSCAPING			
	TOTAL					3.3140	0.3063	0.3159	0.3063	0.0096		2.9981						
45-U1		16-17			B42000200110031700			0.0790	0.0000	0.0790					FOR CONSTRUCTION & MAINTENANCE OF UTILITIES, LANDSCAPING, (S) SIGNS, (S) PARKING SPOTS			
45-U2		16-19			B42000200110031600			0.0059	0.0000	0.0059					FOR CONSTRUCTION & MAINTENANCE OF UTILITIES			
	TOTAL							0.0849	0.0000	0.0849								
45-T1		16-17			B42000200110031700			0.0883	0.0000	0.0883					FOR GRADING AND DRIVEWAY IMPROVEMENTS, (S) PARKING SPOTS			
45-T2		16-19			B42000200110031600			0.0356	0.0000	0.0356					FOR GRADING AND DRIVEWAY IMPROVEMENTS, TREE			
	TOTAL							0.1239	0.0000	0.1239								
46-WD	WILLIAM L. TAYLOR & KATHLEEN A. TAYLOR	16-19	3444	139	B42000200110012600	0.4328 (P)	0.0693	0.0893	0.0693	0.0200			0.3435					
46-U		16-19						0.0225	0.0000	0.0225	S				FOR CONSTRUCTION & MAINTENANCE OF UTILITIES, PARKING SPOT, SIGN, (S) LIGHTS			
46-T		16-19						0.0567	0.0000	0.0567					FOR GRADING AND DRIVEWAY IMPROVEMENTS, PARKING SPOT			
47-WD	SPEOS INVESTMENTS, LLC	16-19	2818	628	B42000200110032100	0.6888	0.0897	0.1014	0.0897	0.0117			0.5874					
47-U		16-19						0.0274	0.0000	0.0274					FOR CONSTRUCTION & MAINTENANCE OF UTILITIES, (S) PARKING BLOCKS & SPOTS			
47-T		16-19						0.0612	0.0000	0.0612					FOR GRADING AND DRIVEWAY IMPROVEMENTS, LIGHT, (S) PARKING SPOTS			
48-WD	BOARD OF TOWNSHIP TRUSTEES OF BEAVERCREEK TOWNSHIP, GREENE COUNTY, OHIO	16-19	344	102	B42000200110031900	0.8700	0.1195	0.1350	0.1195	0.0155			0.7350					
48-U		16-19						0.0369	0.0000	0.0369					FOR CONSTRUCTION & MAINTENANCE OF UTILITIES, LANDSCAPING, LIGHT			
48-T		16-19						0.1008	0.0000	0.1008					FOR GRADING AND DRIVEWAY IMPROVEMENTS, (S) SHRUBS, FLAG POLE			
NOTE: ALL TEMPORARY PARCELS TO BE OF 12 MONTH DURATION. TYPES OF TITLE LEGEND: WD = WARRANTY DEED U = UTILITY EASEMENT T = TEMPORARY EASEMENT NOTE: UNDER NO CIRCUMSTANCES ARE TEMPORARY EASEMENTS TO BE USED FOR STORAGE OF MATERIAL OR EQUIPMENT BY THE CONTRACTOR UNLESS NOTES OTHERWISE. (c) = CALCULATED AREA (P) = PLATTED AREA (D) = DEED AREA * DENOTES RIGHT OF WAY ENCROACHMENT Δ - AREA NOT RECOGNIZED BY GREENE COUNTY AUDITOR φ - REFERENCE RIGHT OF WAY BOUNDARY SHEET FOR EASEMENT OVERLAP INFORMATION																		
														JRM 08-21-19 REMOVED PARCEL 39-WD & MODIFIED PARCEL 39-U REV. BY DATE DESCRIPTION FIELD REVIEW BY: JOSHUA R. MIHELICIC DATE: 06-26-2019 OWNERSHIP VERIFIED BY: JOSHUA R. MIHELICIC DATE: 06-28-2019 DATE COMPLETED: JUNE 28, 2019				8 / 23

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**CITY OF BEAVERCREEK
CITY COUNCIL
AGENDA ITEM REPORT**

PEC

Meeting Date: <u>November 25, 2019</u>	Reference Topic: Dayton-Xenia Road Widening Project; R/W Acquisition; Primary Properties LTD Property
Agenda Reference No.: <u>VII.F</u>	Ordinance No. <u>19-29</u>

ACTION REQUESTED		
<input checked="" type="checkbox"/> Adopt Ordinance	<input type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Other _____

RESPONSIBLE DEPARTMENT OR AGENCY		
<input type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input checked="" type="checkbox"/> Engineering	<input type="checkbox"/> Planning & Zoning
<input type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input type="checkbox"/> City Manager
<input type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

BACKGROUND AND STAFF SUMMARY:

The Dayton-Xenia Road Widening Project generally consists of the widening of Dayton-Xenia Road between E. Lynn Drive and Beaverbrook Drive to a three (3) lane pavement section with curb, gutters, storm sewer, and pedestrian facilities along both sides of the roadway.

Over the past several months, this office has been actively pursuing the purchase of the additional right-of-way and easements needed to build the improvement. In order to construct this widening project it was necessary to purchase additional property rights from 33 individual property owners, where these efforts have resulted in agreements with 29 of these owners to date.

Unfortunately, our efforts to purchase the additional property rights needed to construct this improvement from Primary Properties LTD have been unsuccessful. The City's right-of-way acquisition consultant has made multiple attempts to contact the property owner, but they have been unresponsive to date. The passage of this Ordinance will allow for this project to proceed on schedule if the City and the property owner are unable to agree upon the terms for the sale of this land.

As always, this office will continue to try to contact the property owner as the project schedule will permit in order to try to avoid using the appropriations process to acquire the necessary property rights.

STAFF RECOMMENDATION:

In order for the City to meet ODOT's deadline for the completion of the right-of-way acquisition work, it is recommended that City Council approve the attached Ordinance as an emergency.

CITY OF BEAVERCREEK, OHIO

ORDINANCE NO. 19-29

SPONSORED BY COUNCIL MEMBER _____ ON THE 25TH DAY
OF NOVEMBER, 2019.

**TO APPROPRIATE CERTAIN REAL PROPERTY INTERESTS OWNED BY
PRIMARY PROPERTIES, LTD FOR THE DAYTON-XENIA ROAD WIDENING
PROJECT, IN THE CITY OF BEAVERCREEK, OHIO, AND DECLARING AN
EMERGENCY.**

WHEREAS, this Council, by Resolution Number 19-69, declared its intention and the necessity of appropriating certain real property, parcel of land, or real property interests described in said Resolution; and

WHEREAS, it is necessary to appropriate the said certain property, parcel of land or real property interests for the purpose of the roadway construction and improvement in connection with the Dayton-Xenia Road Widening Project and for the preservation of the public peace, health, safety, and welfare;

NOW, THEREFORE, THE CITY OF BEAVERCREEK, OHIO HEREBY ORDAINS
THAT:

SECTION I.

The real property, parcels of land or real property interests described in Exhibit 'A' and Exhibit 'B' attached hereto and incorporated herein, for public right-of-way and street and highway purposes for the Dayton-Xenia Road Widening Project shall be and the same are hereby appropriated for the construction of said project.

SECTION II.

The names of those either having, claiming, or that may have any estate, title or interest in the above-described real property, parcels of land or real property interest to be appropriated by this Ordinance are: Primary Properties, LTD, and any other lien holders, persons or entities declaring an interest pursuant to law, the Treasurer of Greene County, Ohio and the Auditor of Greene County, Ohio.

SECTION III.

The above-described real property, parcels, land, and/or real property interests have a fair market value of \$16,754.00, as determined by an independent, certified appraiser.

SECTION IV.

This Council finds that the appropriation is necessary for the stated public purposes and that the City intends to obtain immediate possession of the real property, parcel of land or real property interests described in Exhibit 'A' and Exhibit 'B' which immediate possession is necessary for the stated public purposes.

SECTION V.

The City Attorney is hereby authorized and directed to deposit the aforesaid valued amount with the Clerk of Court of Greene County, Ohio, or other depository, take possession of the afore described real property, parcel of land or real property interest, file, as necessary, a petition for appropriation, apply to a court of competent jurisdiction to make inquiry into and assess the compensation to be paid for the real property, parcel of land or real property interests to be appropriated, and to do all things necessary or proper in connection therewith.

SECTION VI.

All actions taken by or in behalf of the City of Beavercreek in connection with the appropriation of the afore described real property, parcel of land or real property interests and prior to the time of adoption of this Ordinance are hereby ratified.

SECTION VII.

That is it found and determined that all of this Council concerning and relating to adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberation of this Council and of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION VIII.

This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the City; and further for the reason that the immediate construction of the improvements to Dayton-Xenia Road are necessary to improve the traffic safety and to reduce traffic congestion of certain streets, alleys, roadways, and right-of-way; therefore, this Ordinance shall be in full force and effective from and immediately after its adoption.

ADOPTED by the Council of the City of Beavercreek, Ohio this 25th day of November, 2019 as an emergency.

Bob Stone, Mayor

ATTEST:

Dianne Miscisin, Clerk of Council

SUMMARY

This Ordinance appropriates certain real property, parcels of land, or real property interests owned by Primary Properties, LTD, with interest by others, for the Dayton-Xenia Road Widening Project in the City of Beavercreek, Ohio, and declares an emergency.

EXHIBIT A

LPA RX 887 T

Page 1 of 2

Rev. 07/09

Ver. Date 08/05/19

PID 98146

**PARCEL 39-T
GRE-CR142-1.21
TEMPORARY EASEMENT FOR THE PURPOSE OF
PERFORMING THE WORK NECESSARY TO
IMPROVE DRIVEWAY AND GRADING
FOR 12 MONTHS FROM DATE OF ENTRY BY THE
CITY OF BEAVERCREEK, GREENE COUNTY, OHIO**

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Greene, City of Beavercreek, Section 3, Town 2, Range 7, M.Rs. and being part of Lot 149A of the Replat of Lots 149 & 150 Knollwood Estates, Section 2 as recorded in Plat Cabinet 34, Page 787A-B of the plat records of Greene County, Ohio and conveyed to Primary Properties, Ltd. as recorded in Official Record 1983, Page 888 of the Deed Records of Greene County, Ohio and being more particularly described as follows:

Being a parcel lying on the right side of the existing centerline of right of way of Dayton-Xenia Road as part of the GRE-CR142-1.21 Centerline Plat made by Northwest Consultants, Inc. for the City of Beavercreek as recorded in Plat Cabinet 38 Page 374A-376B of the plat records of Greene County, Ohio and being located within the following described points in the boundary thereof:

Commencing at a point on the west line of said Replat of Lots 149 & 150 Knollwood Estates, Section 2, said point also being on the proposed utility easement line, said point being 39.50 feet right of Dayton-Xenia Road proposed centerline of construction station 75+16.24 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

Thence easterly on the proposed utility easement line, being an easement line 39.50 feet southerly of, as measured perpendicular to and parallel with, the existing centerline of construction of Dayton-Xenia Road, South 74 degrees 08 minutes 22 seconds East, 68.76 feet, to a point on the proposed temporary easement line, said point being 39.50 feet right of station 75+85.00;

Thence southwesterly on the proposed temporary easement line, South 41 degrees 19 minutes 26 seconds West, 11.63 feet, to a point on the proposed temporary easement line, said point being 50.00 feet right of station 75+80.00;

EXHIBIT A

Page 2 of 2

LPA RX 887 T

Rev. 07/09

Thence westerly continuing on the proposed temporary easement line, North 74 degrees 08 minutes 22 seconds West, 61.83 feet, to a point on the west line of said Replat of Lots 149 & 150 Knollwood Estates, Section 2, said point being 50.00 feet right of station 75+18.17;

Thence northerly on the west line of said Replat of Lots 149 & 150 Knollwood Estates, Section 2, also being the east lot line of Lot 148 of Knollwood Estates, Section 2 plat as recorded in Plat Cabinet 31, Page 302B of the plat records of Greene County, Ohio, North 05 degrees 25 minutes 38 seconds East, 10.68 feet, to the **TRUE POINT OF BEGINNING** and containing 0.0157 acres, of which 0.0000 acres is PRO (Present Road Occupied), leaving a net take of 0.0157 acres, more or less, subject to legal highways and other easements of record.

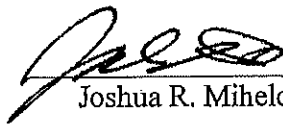
The above described area is contained within Greene County Auditor's permanent parcel number B42000200110012200.

Prior Instrument Reference as of the date this survey was prepared: Official Record 1983, Page 888 of the Deed Records of Greene County, Ohio.

Description based on a field survey conducted by Northwest Consultants, Inc. during the months of June 2017 and December 2017 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

Bearings used herein are based on Ohio State Plane Coordinates, South Zone, referenced to NAD (83) (2011) and are for this project use only.

This description was prepared on August 5, 2019 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.


Joshua R. Mihelcic

08-05-2019
Date



Registered Surveyor of Ohio: No. S-008453

DESCRIPTION CHECK

Greene County Engineer's Tax Map Dept.

- ☒ Legally Sufficient As Described
☐ Legally Sufficient With Corrections Needed
☐ Legally Insufficient, New Survey Required


By:  Date: 8-6-19
PAR ID: DIST ___ BK ___ PG ___ PAR ___

EXHIBIT A

Page 1 of 3

LPA RX 883 U

Rev. 09/12

Ver. Date 08/21/19

PID 98146

**PARCEL 39-U
GRE-CR142-1.21
PERPETUAL EASEMENT FOR UTILITY PURPOSES
IN THE NAME AND FOR THE USE OF THE
CITY OF BEAVERCREEK, GREENE COUNTY, OHIO**

Public Utility Easement is provided for the right to construct, use, maintain and keep in repair thereon public utilities and appurtenances thereto necessary to the operation thereof, and also the right of ingress to and egress from said easement and to cut, trim or remove trees and under growth or overhanging branches within said easement or immediately adjacent thereto and is perpetually dedicated to the City of Beavercreek, Ohio.

[Surveyor's description of the premises follows]

Situated in the State of Ohio, County of Greene, City of Beavercreek, Section 3, Town 2, Range 7, M.Rs. and being part of Lot 149A of the Replat of Lots 149 & 150 Knollwood Estates, Section 2 as recorded in Plat Cabinet 34, Page 787A-B of the plat records of Greene County, Ohio and conveyed to Primary Properties, Ltd. as recorded in Official Record 1983, Page 888 of the Deed Records of Greene County, Ohio and being more particularly described as follows:

Being a parcel lying on the right side of the existing centerline of right of way of Dayton-Xenia Road as part of the GRE-CR142-1.21 Centerline Plat made by Northwest Consultants, Inc. for the City of Beavercreek as recorded in Plat Cabinet 38 Page 374A-376B of the plat records of Greene County, Ohio and being located within the following described points in the boundary thereof:

Commencing at a 1 inch iron pin found at the intersection of the existing south standard highway easement line of Dayton-Xenia Road with the existing east standard highway easement line of South Longview Street, said pin being 27.11 feet right of Dayton-Xenia Road proposed centerline of construction station 73+51.27;

Thence northerly on a line perpendicular to the existing centerline of right of way of Dayton-Xenia Road, North 15 degrees 51 minutes 38 seconds East, 30.00 feet, to a point on the existing centerline of right of way of Dayton-Xenia Road, said point being 2.89 feet left of station 73+51.27;

EXHIBIT A

LPA RX 883 U

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Thence easterly on the existing centerline of right of way of Dayton-Xenia Road, South 74 degrees 08 minutes 22 seconds East, 157.16 feet, to a point on the existing centerline of right of way of Dayton-Xenia Road, said point also described as the northwest corner of said Replat of Lots 149 & 150 Knollwood Estates, Section 2, said point being 2.89 feet left of station 75+08.43;

Thence southerly on the west line of said Replat of Lots 149 & 150 Knollwood Estates, Section 2, also being the east lot line of Lot 148 of Knollwood Estates, Section 2 plat as recorded in Plat Cabinet 31, Page 302B of the plat records of Greene County, Ohio, South 05 degrees 25 minutes 38 seconds West, 30.50 feet, to a point on the existing south right of way line of Dayton-Xenia Road, said point witnessed by a 3/4 inch iron pin found South 49 degrees 44 minutes 08 seconds East, 0.36 feet, said point being 27.11 feet right of station 75+13.95 and also being the **TRUE POINT OF BEGINNING** for the parcel of land herein described;

Thence easterly on the existing south right of way line of Dayton-Xenia Road, being a right of way line 30.00 feet southerly of, as measured perpendicular to and parallel with, the existing centerline of right of way of Dayton-Xenia Road, also being the north lot line of said Lot 149A, South 74 degrees 08 minutes 22 seconds East, 162.68 feet, to a point on the existing west right of way line of South Central Avenue, said point also described as the northeast corner of said Lot 149A, said point being 27.11 feet right of station 76+76.63;

Thence southerly on the existing west right of way line of South Central Avenue, being a right of way line 25.00 feet westerly of, as measured perpendicular to and parallel with, the existing centerline of right of way of South Central Avenue, South 05 degrees 25 minutes 38 seconds West, 16.16 feet, to a point on the proposed utility easement line, said point being 43.00 feet right of station 76+79.56;

Thence northwesterly on the proposed utility easement line, North 54 degrees 01 minutes 57 seconds West, 10.18 feet, to a point on the proposed utility easement line, said point being 39.50 feet right of station 76+70.00;

Thence westerly on the proposed utility easement line, being an easement line 39.50 feet southerly of, as measured perpendicular to and parallel with, the proposed centerline of construction of Dayton-Xenia Road, North 74 degrees 08 minutes 22 seconds West, 153.76 feet, to a point on the west line of said Replat of Lots 149 & 150 Knollwood Estates, Section 2, said point being 39.50 feet right of station 75+16.24;

EXHIBIT A

LPA RX 883 U

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Rev. 09/12

Thence northerly on the west line of said Replat of Lots 149 & 150 Knollwood Estates, Section 2, also being the east lot line of Lot 148 of said Knollwood Estates, Section 2 plat, North 05 degrees 25 minutes 38 seconds East, 12.60 feet, to the **TRUE POINT OF BEGINNING** and containing 0.0466 acres, of which 0.0000 acres is PRO (Present Road Occupied), leaving a net take of 0.0466 acres, more or less, subject to legal highways, an existing 10 foot utility easement as recorded in said Replat of Lots 149 & 150 Knollwood Estates, Section 2 and other easements of record.

The above described area is contained within Greene County Auditor's permanent parcel number B42000200110012200.

Prior Instrument Reference as of the date this survey was prepared: Official Record 1983, Page 888 of the Deed Records of Greene County, Ohio.

Description based on a field survey conducted by Northwest Consultants, Inc. during the months of June 2017 and December 2017 under the direction and supervision of Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.

Bearings used herein are based on Ohio State Plane Coordinates, South Zone, referenced to NAD (83) (2011) and are for this project use only.

All iron pins to be set referenced herein are 3/4 inch diameter x 30 inch long iron bars with 2-1/2 inch aluminum cap stamped "CITY OF BEAVERCREEK R/W, P.S. 8453, NORTHWEST CONSULTANTS, INC." and will be set after construction.

This description was prepared on August 21, 2019 by Joshua R. Mihelcic, Registered Surveyor 8453 of the State of Ohio.


Joshua R. Mihelcic

08-21-2019
Date

Registered Surveyor of Ohio: No. S-008453



NET RESIDUE = RECORD AREA - TOTAL PRO - NET TAKE NET TAKE = GROSS TAKE - PRO IN TAKE ALL AREAS IN ACRES														GRANTEE: ALL RIGHT OF WAY ACQUIRED IN THE NAME OF THE CITY OF BEAVERCREEK, UNLESS OTHERWISE SHOWN.				FEDERAL PROJECT NO.	
PARCEL NO.	OWNER	SHEET NO.	OWNERS BOOK	OWNERS PAGE	AUDITOR'S PARCEL	RECORD AREA	TOTAL P.R.O.	GROSS TAKE	P.R.O. IN TAKE	NET TAKE	STRUCTURE	NET RESIDUE LEFT	NET RESIDUE RIGHT	TYPE FUND	REMARKS	AS ACQUIRED BOOK	AS ACQUIRED PAGE	PID NO.	STATE JOB NO.
38-WD1	PJM COMMERCIAL INVESTMENTS, LLC	16-17	3341	572	B42000200110001200	0.0607 (c)	0.0086	0.0086	0.0086	0.0000				CITY				95146	480017
38-WD2		16-17	3341	572	B42000200110001300	0.464 (P)	0.1708	0.0748	0.0748	0.0000									
	TOTAL					0.5247	0.1794	0.0834	0.0834	0.0000		0.3453							
38-U1		14-17	3341	572	B42000200110000900	0.732 (P)	0.0000	0.0248	0.0000	0.0248					FOR CONSTRUCTION & MAINTENANCE OF UTILITIES				
38-U2		16-17			B42000200110001200			0.0020	0.0000	0.0020					FOR CONSTRUCTION & MAINTENANCE OF UTILITIES				
38-U3		16-17			B42000200110001300			0.0202	0.0000	0.0202	S				FOR CONSTRUCTION & MAINTENANCE OF UTILITIES, SIGN				
	TOTAL							0.0470	0.0000	0.0470									
38-T1		14-17			B42000200110000900			0.0436	0.0000	0.0436					FOR GRADING AND DRIVEWAY IMPROVEMENTS				
38-T2		16-17			B42000200110001200			0.0064	0.0000	0.0064					FOR GRADING AND DRIVEWAY IMPROVEMENTS				
38-T3		16-17			B42000200110001300			0.0507	0.0000	0.0507					FOR GRADING AND DRIVEWAY IMPROVEMENTS, (B) PARKING SPOTS				
	TOTAL							0.1007	0.0000	0.1007									
39-U	PRIMARY PROPERTIES, LTD.	16-17	1983	888	B42000200110012200	0.5860	0.0000	0.0466	0.0000	0.0466					FOR CONSTRUCTION & MAINTENANCE OF UTILITIES, (A) SHRUBS & LANDSCAPING, (M) SHRUBS, (B) PARKING BLOCKS & SPOTS, LANDSCAPING				
39-T		16-17						0.0157	0.0000	0.0157					FOR GRADING AND DRIVEWAY IMPROVEMENTS				
40	NOT USED																		
41-WD	PAUL G. TAYLOR, MARTIN M. HOLZNER, GEORGE D. ABRAMS & CAROL FORSHAM	16-17	198	244	B42000200110031800	0.8553 (c)	0.0000	0.0007	0.0000	0.0007		0.8546			(B) PARKING BLOCKS & SPOTS				
41-U		16-17						0.0305	0.0000	0.0305	S				FOR CONSTRUCTION & MAINTENANCE OF UTILITIES, SIGN				
41-T		16-17						0.0512	0.0000	0.0512					FOR GRADING AND DRIVEWAY IMPROVEMENTS				
42	NOT USED																		
43-WD	MLS REALTY	16-17	2017016099		B42000200110012400	0.4285 (P)	0.1504	0.0829	0.0822	0.0007			0.2674						
43-U		16-17						0.0204	0.0000	0.0204					FOR CONSTRUCTION & MAINTENANCE OF UTILITIES				
43-T		16-17						0.0147	0.0000	0.0147					FOR GRADING IMPROVEMENTS				
44-WD	RONALD R. FLOWERS & VICKI H.L. FLOWERS	16-17	1216	875	B42000200110012500	0.4285 (P)	0.0588	0.0688	0.0688	0.0000			0.3597						
44-U		16-17						0.0284	0.0000	0.0284	S				FOR CONSTRUCTION & MAINTENANCE OF UTILITIES, SIGN				
44-T		16-17						0.0514	0.0000	0.0514					FOR GRADING AND DRIVEWAY IMPROVEMENTS, (B) PARKING SPOTS				
45-WD1	KNOLLWOOD FLORISTS, INC.	16-19	456	450	B42000200110031700	1.4840	0.1002	0.1098	0.1002	0.0096					(B) LANDSCAPING, (A) ROCK, SHRUB & LANDSCAPING				
45-WD2		16-19	156	444	B42000200110031800	1.8300	0.2061	0.2061	0.2061	0.0000					(B) TREES, (A) SHRUB, (A) LANDSCAPING				
	TOTAL					3.3140	0.3063	0.3159	0.3063	0.0096		2.9981							
45-U1		16-17			B42000200110031700			0.0790	0.0000	0.0790					FOR CONSTRUCTION & MAINTENANCE OF UTILITIES, LANDSCAPING, (B) SIGNS, (B) PARKING SPOTS				
45-U2		16-19			B42000200110031800			0.0059	0.0000	0.0059					FOR CONSTRUCTION & MAINTENANCE OF UTILITIES				
	TOTAL							0.0849	0.0000	0.0849									
45-T1		16-17			B42000200110031700			0.0883	0.0000	0.0883					FOR GRADING AND DRIVEWAY IMPROVEMENTS, (B) PARKING SPOTS				
45-T2		16-19			B42000200110031800			0.0356	0.0000	0.0356					FOR GRADING AND DRIVEWAY IMPROVEMENTS, TREE				
	TOTAL							0.1239	0.0000	0.1239									
46-WD	WILLIAM L. TAYLOR & KATHLEEN A. TAYLOR	16-19	3444	139	B42000200110012600	0.4328 (P)	0.0693	0.0893	0.0693	0.0200			0.3435						
46-U		16-19						0.0225	0.0000	0.0225	S				FOR CONSTRUCTION & MAINTENANCE OF UTILITIES, PARKING SPOT, SIGN, (B) LIGHTS				
46-T		16-19						0.0567	0.0000	0.0567					FOR GRADING AND DRIVEWAY IMPROVEMENTS, PARKING SPOT				
47-WD	SFEROS INVESTMENTS, LLC	16-19	2818	628	B42000200110032100	0.6888	0.0897	0.1014	0.0897	0.0117			0.5874						
47-U		16-19						0.0274	0.0000	0.0274					FOR CONSTRUCTION & MAINTENANCE OF UTILITIES, (B) PARKING BLOCKS & SPOTS				
47-T		16-19						0.0612	0.0000	0.0612					FOR GRADING AND DRIVEWAY IMPROVEMENTS, LIGHT, (B) PARKING SPOTS				
48-WD	BOARD OF TOWNSHIP TRUSTEES OF BEAVERCREEK TOWNSHIP, GREENE COUNTY, OHIO	16-19	344	102	B42000200110031900	0.8700	0.1195	0.1350	0.1195	0.0155			0.7350						
48-U		16-19						0.0369	0.0000	0.0369					FOR CONSTRUCTION & MAINTENANCE OF UTILITIES, LANDSCAPING, LIGHT				
48-T		16-19						0.1008	0.0000	0.1008					FOR GRADING AND DRIVEWAY IMPROVEMENTS, (B) SHRUBS, FLAG POLE				
NOTE: ALL TEMPORARY PARCELS TO BE OF 12 MONTH DURATION. TYPES OF TITLE LEGEND: WD = WARRANTY DEED U = UTILITY EASEMENT T = TEMPORARY EASEMENT NOTE: UNDER NO CIRCUMSTANCES ARE TEMPORARY EASEMENTS TO BE USED FOR STORAGE OF MATERIAL OR EQUIPMENT BY THE CONTRACTOR UNLESS NOTES OTHERWISE.														(c) = CALCULATED AREA (P) = PLATTED AREA (D) = DEED AREA		* DENOTES RIGHT OF WAY ENCROACHMENT A - AREA NOT RECOGNIZED BY GREENE COUNTY AUDITOR P - REFERENCE RIGHT OF WAY BOUNDARY SHEET FOR EASEMENT OVERLAP INFORMATION		JRM 08-21-19 REMOVED PARCEL 39-WD & MODIFIED PARCEL 39-U REV. BY DATE DESCRIPTION FIELD REVIEW BY: JOSHUA R. MEHLIC DATE: 06-26-2019 OWNERSHIP VERIFIED BY: JOSHUA R. MEHLIC DATE: 06-28-2019 DATE COMPLETED: JUNE 28, 2019	



CITY OF BEAVERCREEK
CITY COUNCIL
AGENDA ITEM REPORT

Meeting Date: November 25, 2019 Agenda Reference No: VII A.	Reference Topic: Transfer Liquor Permit Thai Treasures LLC DBA House of Thai
	Motion to Accept Without Comment

ACTION REQUESTED		
<input type="checkbox"/> Adopt Ordinance	<input type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input checked="" type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Other _____

RESPONSIBLE DEPARTMENT OR AGENCY		
<input type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input type="checkbox"/> Engineering	<input type="checkbox"/> Planning & Zoning
<input checked="" type="checkbox"/> Police	<input type="checkbox"/> Public Service	<input type="checkbox"/> City Manager
<input type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

BACKGROUND AND STAFF SUMMARY:

Ohio Division of Liquor Control sent police notification of a request to transfer a D5 liquor permit from Thai Treasures LLC DBA House of Thai, 3230 Seajay Dr. Beavercreek, Ohio 45430 to Mam & Eve LLC, DBA House of Thai, 3230 Seajay Dr. Beavercreek, Ohio 45430. The background checks required by the Department of Commerce -Division of Liquor Control were conducted on the business officer(s)/shareholder(s) for this application request.

STAFF RECOMMENDATION:

Staff is recommending this application request move forward without comment.

NOTICE TO LEGISLATIVE
AUTHORITY

OHIO DIVISION OF LIQUOR CONTROL
6606 TUSSING ROAD, P.O. BOX 4005
REYNOLDSBURG, OHIO 43068-9005
(614)644-2360 FAX(614)644-3166

TO

5467548		TRFO	MAM & EVE LLC DBA HOUSE OF THAI 3230 SEAJAY DR BEAVERCREEK OH 45430
PERMIT NUMBER		TYPE	
06	01	2019	
ISSUE DATE			
11	06	2019	
FILING DATE			
D5			
PERMIT CLASSES			
29	005	A	F23289
TAX DISTRICT		RECEIPT NO.	

FROM 11/08/2019

8871263			THAI TREASURES LLC DBA HOUSE OF THAI 3230 SEA JAY DR BEAVERCREEK OHIO 45430
PERMIT NUMBER		TYPE	
06	01	2019	
ISSUE DATE			
11	06	2019	
FILING DATE			
D5			
PERMIT CLASSES			
29	005		
TAX DISTRICT		RECEIPT NO.	



MAILED 11/08/2019

RESPONSES MUST BE POSTMARKED NO LATER THAN. 12/09/2019

IMPORTANT NOTICE

PLEASE COMPLETE AND RETURN THIS FORM TO THE DIVISION OF LIQUOR CONTROL
WHETHER OR NOT THERE IS A REQUEST FOR A HEARING.

REFER TO THIS NUMBER IN ALL INQUIRIES **A TRFO 5467548**

(TRANSACTION & NUMBER)

(MUST MARK ONE OF THE FOLLOWING)

WE REQUEST A HEARING ON THE ADVISABILITY OF ISSUING THE PERMIT AND REQUEST THAT
THE HEARING BE HELD ☐ IN OUR COUNTY SEAT. ☐ IN COLUMBUS.

WE DO NOT REQUEST A HEARING. ☐

DID YOU MARK A BOX? IF NOT, THIS WILL BE CONSIDERED A LATE RESPONSE.

PLEASE SIGN BELOW AND MARK THE APPROPRIATE BOX INDICATING YOUR TITLE:

(Signature)

(Title)- ☐ Clerk of County Commissioner

(Date)

☐ Clerk of City Council

☐ Township Fiscal Officer

CLERK OF BEAVERCREEK CITY COUNCIL
1368 RESEARCH PARK DR
BEAVERCREEK OHIO 45432

Restaurant / Night Club

Permit Class	Permit Fee	Description
D1	\$376	ORC 4303.13 Beer only for on premises consumption or in original sealed containers for carry out only until 1:00am.
D2	\$564	ORC 4303.14 Wine and mixed beverages for on premises consumption or in original sealed containers for carryout only until 1:00am.
D2X	\$376	ORC 4303.141 (Grandfathered Permit) Beer only for on premises consumption or in original sealed containers for carryout only until 1:00am.
D3	\$750	ORC 4303.15 Spirituous liquor for on premises consumption only until 1:00am.
D3X	\$300	ORC 4303.151 (Grandfathered Permit) Wine only for on premises consumption until 1:00am.
D3A	\$938	ORC 4303.16 Extend issued permit privileges until 2:30am.
D5	\$2,344	ORC 4303.18 Spirituous liquor for on premises consumption only, beer, wine and mixed beverages for on premises, or off premises in original sealed containers, until 2:30am.
D5I	\$2,344	ORC 4303.181 (Same as D5). Restaurant meeting certain criteria.
D7	\$469	ORC 4303.183 (Same as D5). RESORT area only.

>Club

Permit Class	Permit Fee	Description
D4	\$469	ORC 4303.17 Beer and any intoxicating liquor to members only, for on premises consumption only until 1:00am.
D4A	\$750	ORC 4303.171 Airline club only - Beer and any intoxicating to members and guests until 2:00am.
D5C	\$1,563	ORC 4303.181 (Same as D5.)(This class can no longer be applied for.)
D5D	\$2,344	ORC 4303.181 (Same as D5) located at airport.

Hotel And Motel

Permit Class	Permit Fee	Description
D5A	\$2,344	ORC 4303.181 (Same as D5) for hotel or motel with 50 or more rooms for transient guests.

Enclosed Shopping Mall

Permit Class	Permit Fee	Description
D5B	\$2,344	ORC 4303.181 (Same as D5) for enclosed shopping mall.

River Boats

Permit Class	Permit Fee	Description
D5E	\$1,219	ORC 4303.181 (Same as D5). Historical river boat owned by charitable organization only.

interoffice
MEMORANDUM

To: Pete Landrum, City Manager

From: Mike Thonnerieux, Public Administrative Services Director

Subject: Transit stop application Chestnut Street

Date: 11-20-19

The applicant has submitted all of the necessary information for a transit stop application. Please add this to the City council agenda for their consideration as a decision item to approve the bus stop application for Chestnut Street. Once approved by City Council the City Engineer will work with the applicant on final construction drawings, grading, site amenities and construction inspection that meet our standards. The design of the stop will be similar to the stops already approved.

The design for the bus stop complies with our published standards. Staff recommends approving the application without comment.

CITY COUNCIL
Regular Meeting – December 9, 2019 6:00 p.m.
Council Chambers

1368 Research Park Dr
Beaver Creek, Ohio

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND PRAYER/MOMENT OF SILENCE – Mayor Stone
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
- VI. PUBLIC HEARING A-19-1 Monica S. Donohoo and William D. Schieman Appeal (CU-19-1)
 - A. Appellant Presentation
 - B. Applicant Presentation
 - C. Public Input
 - D. Council Input
 - E. Motion
- VII. STATE OF THE CITY/BUDGET MESSAGE (City Manager)
- VIII. ORDINANCES, RESOLUTIONS AND PUDS
 - A. Resolution 19-70 Accepting the 2020 Budget
 - B. Ordinance 19-30 Annual Appropriations (Single Reading)
 - C. Resolution 19-71 Wage Adjustments
 - D. Resolution 19-72 City Manager and Clerk of Council Wage Adjustment
- IX. COUNCIL TIME
- X. MAYOR'S REPORT
- XI. CITIZEN COMMENTS
- XII. ADJOURNMENT

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE AND PRAYER/MOMENT OF SILENCE – Mayor Stone
- IV. APPROVAL OF AGENDA
- V. APPROVAL OF MINUTES
- VI. ORDINANCES, RESOLUTIONS AND PUDS
- VII. DECISION ITEM
 - A. Council Member Appointment Committee
- VIII. COUNCIL TIME
- IX. MAYOR'S REPORT
- X. CITY MANAGER'S REPORT
- XI. CITIZEN COMMENTS
- XII. ADJOURNMENT

DRAFT

PLANNING DEPARTMENT STATUS REPORT

November 19, 2019

CITY COUNCIL

November 25, 2019

- PUD 17-4 Amendment 9/19, Rock Drive MOB, third reading

Tabled / Delayed / Pending

-

PLANNING COMMISSION

December 4, 2019

- PUD 519 MOD 8/19, Minor, Beaver Valley Shopping Center- Ground Sign (Tabled at November PC meeting.)
- PUD 19-1 SSP #1, IH Credit Union, public hearing (Case was tabled per applicant's request)
- Z-19-2, Henkle Rezoning, I-1 to ORP-1

Tabled / Delayed / Pending

-

Commercial Permits Submitted and Under Review

- Noah's Event Venue
- Fifth Third Bank
- Panera

BOARD OF ZONING APPEALS

December 11, 2019

- V-19-6, GNS Investment Properties, 3878 Indian Ripple Road

Currently Tabled or Delayed

-
-